

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bogdanoff offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Effective July 1, 2010, subsections (4) and (5)  
6 are added to section 125.045, Florida Statutes, to read:

7 125.045 County economic development powers.—

8 (4) A contract between the governing body of a county or  
9 other entity engaged in economic development activities on  
10 behalf of the county and an economic development agency must  
11 require the agency or entity receiving county funds to submit a  
12 report to the governing body of the county detailing how county  
13 funds were spent and detailing the results of the economic  
14 development agency's or entity's efforts on behalf of the  
15 county. By January 15, 2011, and annually thereafter, the county  
16 must file a copy of the report with the Legislative Committee on

832405

4/28/2010 12:18 PM

Amendment No.

17 Intergovernmental Relations or its successor entity and post a  
18 copy of the report on the county's website.

19 (5) (a) By January 15, 2011, and annually thereafter, each  
20 county shall report to the Legislative Committee on  
21 Intergovernmental Relations or its successor entity the economic  
22 development incentives in excess of \$25,000 given to any  
23 business during the county's previous fiscal year. The  
24 Legislative Committee on Intergovernmental Relations or its  
25 successor entity shall provide the report to the Office of  
26 Tourism, Trade, and Economic Development. Economic development  
27 incentives include:

28 1. Direct financial incentives of monetary assistance  
29 provided to a business from the county or through an  
30 organization authorized by the county. Such incentives include,  
31 but are not limited to, grants, loans, equity investments, loan  
32 insurance and guarantees, and training subsidies.

33 2. Indirect incentives in the form of grants and loans  
34 provided to businesses and community organizations that provide  
35 support to businesses or promote business investment or  
36 development.

37 3. Fee-based or tax-based incentives, including, but not  
38 limited to, credits, refunds, exemptions, and property tax  
39 abatement or assessment reductions.

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

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

832405

4/28/2010 12:18 PM

Amendment No.

44 (c) The Legislative Committee on Intergovernmental  
45 Relations or its successor entity shall compile the economic  
46 development incentives provided by each county in a manner that  
47 shows the total of each class of economic development incentives  
48 provided by each county and all counties.

49 Section 2. Effective July 1, 2010, paragraph (d) of  
50 subsection (9) of section 166.021, Florida Statutes, is  
51 redesignated as paragraph (f) and amended, and new paragraphs  
52 (d) and (e) are added to that subsection, to read:

53 166.021 Powers.—

54 (9)

55 (d) A contract between the governing body of a  
56 municipality or other entity engaged in economic development  
57 activities on behalf of the municipality and an economic  
58 development agency must require the agency or entity receiving  
59 municipal funds to submit a report to the governing body of the  
60 municipality detailing how the municipal funds are spent and  
61 detailing the results of the economic development agency's or  
62 entity's efforts on behalf of the municipality. By January 15,  
63 2011, and annually thereafter, the municipality shall file a  
64 copy of the report with the Legislative Committee on  
65 Intergovernmental Relations or its successor entity and post a  
66 copy of the report on the municipality's website.

67 (e)1. By January 15, 2011, and annually thereafter, each  
68 municipality having annual revenues or expenditures greater than  
69 \$250,000 shall report to the Legislative Committee on  
70 Intergovernmental Relations or its successor entity the economic  
71 development incentives in excess of \$25,000 given to any

832405

4/28/2010 12:18 PM

Amendment No.

72 business during the municipality's previous fiscal year. The  
73 Legislative Committee on Intergovernmental Relations or its  
74 successor entity shall provide the report to the Office of  
75 Tourism, Trade, and Economic Development. Economic development  
76 incentives include:

77 a. Direct financial incentives of monetary assistance  
78 provided to a business from the municipality or through an  
79 organization authorized by the municipality. Such incentives  
80 include, but are not limited to, grants, loans, equity  
81 investments, loan insurance and guarantees, and training  
82 subsidies.

83 b. Indirect incentives in the form of grants and loans  
84 provided to businesses and community organizations that provide  
85 support to businesses or promote business investment or  
86 development.

87 c. Fee-based or tax-based incentives, including, but not  
88 limited to, credits, refunds, exemptions, and property tax  
89 abatement or assessment reductions.

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

91 2. A municipality shall report its economic development  
92 incentives in the format specified by the Legislative Committee  
93 on Intergovernmental Relations or its successor entity.

94 3. The Legislative Committee on Intergovernmental  
95 Relations or its successor entity shall compile the economic  
96 development incentives provided by each municipality in a manner  
97 that shows the total of each class of economic development  
98 incentives provided by each municipality and all municipalities.

832405

4/28/2010 12:18 PM

Amendment No.

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

102        Section 3. Subsection (7) of section 196.1995, Florida  
103 Statutes, is amended to read:

104        196.1995 Economic development ad valorem tax exemption.—

105        (7) The authority to grant exemptions under this section  
106 expires will expire 10 years after the date such authority was  
107 approved in an election, but such authority may be renewed for  
108 subsequent another 10-year periods if each 10-year renewal is  
109 approved period in a referendum called and held pursuant to this  
110 section.

111        Section 4. Effective July 1, 2010, subsection (34) is  
112 added to section 212.02, Florida Statutes, to read:

113        212.02 Definitions.—The following terms and phrases when  
114 used in this chapter have the meanings ascribed to them in this  
115 section, except where the context clearly indicates a different  
116 meaning:

117        (34) "Fractional aircraft ownership program" means a  
118 program that meets the requirements of 14 C.F.R. part 91,  
119 subpart K, relating to fractional ownership operations, except  
120 that the program must include a minimum of 25 aircraft owned or  
121 leased by the program manager and used in the program.

122        Section 5. Effective July 1, 2010, paragraph (a) of  
123 subsection (1) of section 212.031, Florida Statutes, is amended  
124 to read:

125        212.031 Tax on rental or license fee for use of real  
126 property.—

832405

4/28/2010 12:18 PM

Amendment No.

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

131 1. Assessed as agricultural property under s. 193.461.

132 2. Used exclusively as dwelling units.

133 3. Property subject to tax on parking, docking, or storage  
134 spaces under s. 212.03(6).

135 4. Recreational property or the common elements of a  
136 condominium when subject to a lease between the developer or  
137 owner thereof and the condominium association in its own right  
138 or as agent for the owners of individual condominium units or  
139 the owners of individual condominium units. However, only the  
140 lease payments on such property shall be exempt from the tax  
141 imposed by this chapter, and any other use made by the owner or  
142 the condominium association shall be fully taxable under this  
143 chapter.

144 5. A public or private street or right-of-way and poles,  
145 conduits, fixtures, and similar improvements located on such  
146 streets or rights-of-way, occupied or used by a utility or  
147 provider of communications services, as defined by s. 202.11,  
148 for utility or communications or television purposes. For  
149 purposes of this subparagraph, the term "utility" means any  
150 person providing utility services as defined in s. 203.012. This  
151 exception also applies to property, wherever located, on which  
152 the following are placed: towers, antennas, cables, accessory  
153 structures, or equipment, not including switching equipment,  
154 used in the provision of mobile communications services as

832405

4/28/2010 12:18 PM

Amendment No.

155 defined in s. 202.11. For purposes of this chapter, towers used  
156 in the provision of mobile communications services, as defined  
157 in s. 202.11, are considered to be fixtures.

158 6. A public street or road which is used for  
159 transportation purposes.

160 7. Property used at an airport exclusively for the purpose  
161 of aircraft landing or aircraft taxiing or property used by an  
162 airline for the purpose of loading or unloading passengers or  
163 property onto or from aircraft or for fueling aircraft.

164 8.a. Property used at a port authority, as defined in s.  
165 315.02(2), exclusively for the purpose of oceangoing vessels or  
166 tugs docking, or such vessels mooring on property used by a port  
167 authority for the purpose of loading or unloading passengers or  
168 cargo onto or from such a vessel, or property used at a port  
169 authority for fueling such vessels, or to the extent that the  
170 amount paid for the use of any property at the port is based on  
171 the charge for the amount of tonnage actually imported or  
172 exported through the port by a tenant.

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

177 9. Property used as an integral part of the performance of  
178 qualified production services. As used in this subparagraph, the  
179 term "qualified production services" means any activity or  
180 service performed directly in connection with the production of  
181 a qualified motion picture, as defined in s. 212.06(1)(b), and  
182 includes:

832405

4/28/2010 12:18 PM

Amendment No.

183 a. Photography, sound and recording, casting, location  
184 managng and scouting, shooting, creation of special and optical  
185 effects, animation, adaptation (language, media, electronic, or  
186 otherwise), technological modifications, computer graphics, set  
187 and stage support (such as electricians, lighting designers and  
188 operators, greensmen, prop managers and assistants, and grips),  
189 wardrobe (design, preparation, and management), hair and makeup  
190 (design, production, and application), performing (such as  
191 acting, dancing, and playing), designing and executing stunts,  
192 coaching, consulting, writing, scoring, composing,  
193 choreographing, script supervising, directing, producing,  
194 transmitting dailies, dubbing, mixing, editing, cutting,  
195 looping, printing, processing, duplicating, storing, and  
196 distributing;

197 b. The design, planning, engineering, construction,  
198 alteration, repair, and maintenance of real or personal property  
199 including stages, sets, props, models, paintings, and facilities  
200 principally required for the performance of those services  
201 listed in sub-subparagraph a.; and

202 c. Property management services directly related to  
203 property used in connection with the services described in sub-  
204 subparagraphs a. and b.

205  
206 This exemption will inure to the taxpayer upon presentation of  
207 the certificate of exemption issued to the taxpayer under the  
208 provisions of s. 288.1258.

209 10. Leased, subleased, licensed, or rented to a person  
210 providing food and drink concessionaire services within the  
832405

4/28/2010 12:18 PM



Amendment No.

211 premises of a convention hall, exhibition hall, auditorium,  
212 stadium, theater, arena, civic center, performing arts center,  
213 publicly owned recreational facility, or any business operated  
214 under a permit issued pursuant to chapter 550. A person  
215 providing retail concessionaire services involving the sale of  
216 food and drink or other tangible personal property within the  
217 premises of an airport shall be subject to tax on the rental of  
218 real property used for that purpose, but shall not be subject to  
219 the tax on any license to use the property. For purposes of this  
220 subparagraph, the term "sale" shall not include the leasing of  
221 tangible personal property.

222 11. Property occupied pursuant to an instrument calling  
223 for payments which the department has declared, in a Technical  
224 Assistance Advisement issued on or before March 15, 1993, to be  
225 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
226 Administrative Code; provided that this subparagraph shall only  
227 apply to property occupied by the same person before and after  
228 the execution of the subject instrument and only to those  
229 payments made pursuant to such instrument, exclusive of renewals  
230 and extensions thereof occurring after March 15, 1993.

231 12. Rented, leased, subleased, or licensed to a  
232 concessionaire by a convention hall, exhibition hall,  
233 auditorium, stadium, theater, arena, civic center, performing  
234 arts center, or publicly owned recreational facility, during an  
235 event at the facility, to be used by the concessionaire to sell  
236 souvenirs, novelties, or other event-related products. This  
237 subparagraph applies only to that portion of the rental, lease,  
238 or license payment which is based on a percentage of sales and  
832405

4/28/2010 12:18 PM

Amendment No.

239 not based on a fixed price. This subparagraph is repealed July  
240 1, 2009.

241 13. Property used or occupied predominantly for space  
242 flight business purposes. As used in this subparagraph, "space  
243 flight business" means the manufacturing, processing, or  
244 assembly of a space facility, space propulsion system, space  
245 vehicle, satellite, or station of any kind possessing the  
246 capacity for space flight, as defined by s. 212.02(23), or  
247 components thereof, and also means the following activities  
248 supporting space flight: vehicle launch activities, flight  
249 operations, ground control or ground support, and all  
250 administrative activities directly related thereto. Property  
251 shall be deemed to be used or occupied predominantly for space  
252 flight business purposes if more than 50 percent of the  
253 property, or improvements thereon, is used for one or more space  
254 flight business purposes. Possession by a landlord, lessor, or  
255 licensor of a signed written statement from the tenant, lessee,  
256 or licensee claiming the exemption shall relieve the landlord,  
257 lessor, or licensor from the responsibility of collecting the  
258 tax, and the department shall look solely to the tenant, lessee,  
259 or licensee for recovery of such tax if it determines that the  
260 exemption was not applicable.

261 14. Rented, leased, subleased, or licensed to a person  
262 providing telecommunications, data systems management, or  
263 Internet services at a publicly or privately owned convention  
264 hall, civic center, or meeting space at a public lodging  
265 establishment as defined in s. 509.013. This subparagraph  
266 applies only to that portion of the rental, lease, or license

832405

4/28/2010 12:18 PM

Amendment No.

267 payment that is based upon a percentage of sales, revenue  
268 sharing, or royalty payments and not based upon a fixed price.  
269 This subparagraph is intended to be clarifying and remedial in  
270 nature and shall apply retroactively. This subparagraph does not  
271 provide a basis for an assessment of any tax not paid, or create  
272 a right to a refund of any tax paid, pursuant to this section  
273 before July 1, 2010.

274 Section 6. Paragraph (a) of subsection (2) of section  
275 212.04, Florida Statutes, is reenacted and amended to read:

276 212.04 Admissions tax; rate, procedure, enforcement.—

277 (2)(a)1. No tax shall be levied on admissions to athletic  
278 or other events sponsored by elementary schools, junior high  
279 schools, middle schools, high schools, community colleges,  
280 public or private colleges and universities, deaf and blind  
281 schools, facilities of the youth services programs of the  
282 Department of Children and Family Services, and state  
283 correctional institutions when only student, faculty, or inmate  
284 talent is used. However, this exemption shall not apply to  
285 admission to athletic events sponsored by a state university,  
286 and the proceeds of the tax collected on such admissions shall  
287 be retained and used by each institution to support women's  
288 athletics as provided in s. 1006.71(2)(c).

289 2.a. No tax shall be levied on dues, membership fees, and  
290 admission charges imposed by not-for-profit sponsoring  
291 organizations. To receive this exemption, the sponsoring  
292 organization must qualify as a not-for-profit entity under the  
293 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,  
294 as amended.

832405

4/28/2010 12:18 PM

Amendment No.

295 b. No tax shall be levied on admission charges to an event  
296 sponsored by a governmental entity, sports authority, or sports  
297 commission when held in a convention hall, exhibition hall,  
298 auditorium, stadium, theater, arena, civic center, performing  
299 arts center, or publicly owned recreational facility and when  
300 100 percent of the risk of success or failure lies with the  
301 sponsor of the event and 100 percent of the funds at risk for  
302 the event belong to the sponsor, and student or faculty talent  
303 is not exclusively used. As used in this sub-subparagraph, the  
304 terms "sports authority" and "sports commission" mean a  
305 nonprofit organization that is exempt from federal income tax  
306 under s. 501(c)(3) of the Internal Revenue Code and that  
307 contracts with a county or municipal government for the purpose  
308 of promoting and attracting sports-tourism events to the  
309 community with which it contracts. ~~This sub-subparagraph is~~  
310 ~~repealed July 1, 2009.~~

311 3. No tax shall be levied on an admission paid by a  
312 student, or on the student's behalf, to any required place of  
313 sport or recreation if the student's participation in the sport  
314 or recreational activity is required as a part of a program or  
315 activity sponsored by, and under the jurisdiction of, the  
316 student's educational institution, provided his or her  
317 attendance is as a participant and not as a spectator.

318 4. No tax shall be levied on admissions to the National  
319 Football League championship game or Pro Bowl; ~~or~~ on admissions to  
320 any semifinal game or championship game of a national collegiate  
321 tournament; ~~or~~ on admissions to a Major League Baseball,  
322 National Basketball Association, or National Hockey League all-

832405

4/28/2010 12:18 PM

Amendment No.

323 star game; on admissions to the Major League Baseball Home Run  
324 Derby held before the Major League Baseball All-Star Game; or on  
325 admissions to the National Basketball Association Rookie  
326 Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam  
327 Dunk Challenge.

328         5. A participation fee or sponsorship fee imposed by a  
329 governmental entity as described in s. 212.08(6) for an athletic  
330 or recreational program is exempt when the governmental entity  
331 by itself, or in conjunction with an organization exempt under  
332 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,  
333 sponsors, administers, plans, supervises, directs, and controls  
334 the athletic or recreational program.

335         6. Also exempt from the tax imposed by this section to the  
336 extent provided in this subparagraph are admissions to live  
337 theater, live opera, or live ballet productions in this state  
338 which are sponsored by an organization that has received a  
339 determination from the Internal Revenue Service that the  
340 organization is exempt from federal income tax under s.  
341 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
342 the organization actively participates in planning and  
343 conducting the event, is responsible for the safety and success  
344 of the event, is organized for the purpose of sponsoring live  
345 theater, live opera, or live ballet productions in this state,  
346 has more than 10,000 subscribing members and has among the  
347 stated purposes in its charter the promotion of arts education  
348 in the communities which it serves, and will receive at least 20  
349 percent of the net profits, if any, of the events which the  
350 organization sponsors and will bear the risk of at least 20

832405

4/28/2010 12:18 PM

Amendment No.

351 percent of the losses, if any, from the events which it sponsors  
352 if the organization employs other persons as agents to provide  
353 services in connection with a sponsored event. Prior to March 1  
354 of each year, such organization may apply to the department for  
355 a certificate of exemption for admissions to such events  
356 sponsored in this state by the organization during the  
357 immediately following state fiscal year. The application shall  
358 state the total dollar amount of admissions receipts collected  
359 by the organization or its agents from such events in this state  
360 sponsored by the organization or its agents in the year  
361 immediately preceding the year in which the organization applies  
362 for the exemption. Such organization shall receive the exemption  
363 only to the extent of \$1.5 million multiplied by the ratio that  
364 such receipts bear to the total of such receipts of all  
365 organizations applying for the exemption in such year; however,  
366 in no event shall such exemption granted to any organization  
367 exceed 6 percent of such admissions receipts collected by the  
368 organization or its agents in the year immediately preceding the  
369 year in which the organization applies for the exemption. Each  
370 organization receiving the exemption shall report each month to  
371 the department the total admissions receipts collected from such  
372 events sponsored by the organization during the preceding month  
373 and shall remit to the department an amount equal to 6 percent  
374 of such receipts reduced by any amount remaining under the  
375 exemption. Tickets for such events sold by such organizations  
376 shall not reflect the tax otherwise imposed under this section.

377 7. Also exempt from the tax imposed by this section are  
378 entry fees for participation in freshwater fishing tournaments.

832405

4/28/2010 12:18 PM

Amendment No.

379 8. Also exempt from the tax imposed by this section are  
380 participation or entry fees charged to participants in a game,  
381 race, or other sport or recreational event if spectators are  
382 charged a taxable admission to such event.

383 9. No tax shall be levied on admissions to any postseason  
384 collegiate football game sanctioned by the National Collegiate  
385 Athletic Association.

386 Section 7. Effective July 1, 2010, paragraph (a) of  
387 subsection (1) of section 212.05, Florida Statutes, is amended,  
388 and subsection (5) is added to that section, to read:

389 212.05 Sales, storage, use tax.—It is hereby declared to  
390 be the legislative intent that every person is exercising a  
391 taxable privilege who engages in the business of selling  
392 tangible personal property at retail in this state, including  
393 the business of making mail order sales, or who rents or  
394 furnishes any of the things or services taxable under this  
395 chapter, or who stores for use or consumption in this state any  
396 item or article of tangible personal property as defined herein  
397 and who leases or rents such property within the state.

398 (1) For the exercise of such privilege, a tax is levied on  
399 each taxable transaction or incident, which tax is due and  
400 payable as follows:

401 (a)1.a. At the rate of 6 percent of the sales price of  
402 each item or article of tangible personal property when sold at  
403 retail in this state, computed on each taxable sale for the  
404 purpose of remitting the amount of tax due the state, and  
405 including each and every retail sale.

832405

4/28/2010 12:18 PM

Amendment No.

406           b. Each occasional or isolated sale of an aircraft, boat,  
407 mobile home, or motor vehicle of a class or type which is  
408 required to be registered, licensed, titled, or documented in  
409 this state or by the United States Government shall be subject  
410 to tax at the rate provided in this paragraph. The department  
411 shall by rule adopt any nationally recognized publication for  
412 valuation of used motor vehicles as the reference price list for  
413 any used motor vehicle which is required to be licensed pursuant  
414 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any  
415 party to an occasional or isolated sale of such a vehicle  
416 reports to the tax collector a sales price which is less than 80  
417 percent of the average loan price for the specified model and  
418 year of such vehicle as listed in the most recent reference  
419 price list, the tax levied under this paragraph shall be  
420 computed by the department on such average loan price unless the  
421 parties to the sale have provided to the tax collector an  
422 affidavit signed by each party, or other substantial proof,  
423 stating the actual sales price. Any party to such sale who  
424 reports a sales price less than the actual sales price is guilty  
425 of a misdemeanor of the first degree, punishable as provided in  
426 s. 775.082 or s. 775.083. The department shall collect or  
427 attempt to collect from such party any delinquent sales taxes.  
428 In addition, such party shall pay any tax due and any penalty  
429 and interest assessed plus a penalty equal to twice the amount  
430 of the additional tax owed. Notwithstanding any other provision  
431 of law, the Department of Revenue may waive or compromise any  
432 penalty imposed pursuant to this subparagraph.

832405

4/28/2010 12:18 PM



Amendment No.

433           2. This paragraph does not apply to the sale of a boat or  
434 aircraft by or through a registered dealer under this chapter to  
435 a purchaser who, at the time of taking delivery, is a  
436 nonresident of this state, does not make his or her permanent  
437 place of abode in this state, and is not engaged in carrying on  
438 in this state any employment, trade, business, or profession in  
439 which the boat or aircraft will be used in this state, or is a  
440 corporation none of the officers or directors of which is a  
441 resident of, or makes his or her permanent place of abode in,  
442 this state, or is a noncorporate entity that has no individual  
443 vested with authority to participate in the management,  
444 direction, or control of the entity's affairs who is a resident  
445 of, or makes his or her permanent abode in, this state. For  
446 purposes of this exemption, either a registered dealer acting on  
447 his or her own behalf as seller, a registered dealer acting as  
448 broker on behalf of a seller, or a registered dealer acting as  
449 broker on behalf of the purchaser may be deemed to be the  
450 selling dealer. This exemption shall not be allowed unless:

451           a. The purchaser removes a qualifying boat, as described  
452 in sub-subparagraph f., from the state within 90 days after the  
453 date of purchase or extension, or the purchaser removes a  
454 nonqualifying boat or an aircraft from this state within 10 days  
455 after the date of purchase or, when the boat or aircraft is  
456 repaired or altered, within 20 days after completion of the  
457 repairs or alterations;

458           b. The purchaser, within 30 days from the date of  
459 departure, shall provide the department with written proof that  
460 the purchaser licensed, registered, titled, or documented the

832405

4/28/2010 12:18 PM

Amendment No.

461 boat or aircraft outside the state. If such written proof is  
462 unavailable, within 30 days the purchaser shall provide proof  
463 that the purchaser applied for such license, title,  
464 registration, or documentation. The purchaser shall forward to  
465 the department proof of title, license, registration, or  
466 documentation upon receipt;

467 c. The purchaser, within 10 days of removing the boat or  
468 aircraft from Florida, shall furnish the department with proof  
469 of removal in the form of receipts for fuel, dockage, slippage,  
470 tie-down, or hangaring from outside of Florida. The information  
471 so provided must clearly and specifically identify the boat or  
472 aircraft;

473 d. The selling dealer, within 5 days of the date of sale,  
474 shall provide to the department a copy of the sales invoice,  
475 closing statement, bills of sale, and the original affidavit  
476 signed by the purchaser attesting that he or she has read the  
477 provisions of this section;

478 e. The seller makes a copy of the affidavit a part of his  
479 or her record for as long as required by s. 213.35; and

480 f. Unless the nonresident purchaser of a boat of 5 net  
481 tons of admeasurement or larger intends to remove the boat from  
482 this state within 10 days after the date of purchase or when the  
483 boat is repaired or altered, within 20 days after completion of  
484 the repairs or alterations, the nonresident purchaser shall  
485 apply to the selling dealer for a decal which authorizes 90 days  
486 after the date of purchase for removal of the boat. The  
487 nonresident purchaser of a qualifying boat may apply to the  
488 selling dealer within 60 days after the date of purchase for an  
832405

4/28/2010 12:18 PM

Amendment No.

489 extension decal that authorizes the boat to remain in this state  
490 for an additional 90 days, but not more than a total of 180  
491 days, before the nonresident purchaser is required to pay the  
492 tax imposed by this chapter. The department is authorized to  
493 issue decals in advance to dealers. The number of decals issued  
494 in advance to a dealer shall be consistent with the volume of  
495 the dealer's past sales of boats which qualify under this sub-  
496 subparagraph. The selling dealer or his or her agent shall mark  
497 and affix the decals to qualifying boats in the manner  
498 prescribed by the department, prior to delivery of the boat.

499 (I) The department is hereby authorized to charge dealers  
500 a fee sufficient to recover the costs of decals issued, except  
501 the extension decal shall cost \$425.

502 (II) The proceeds from the sale of decals will be  
503 deposited into the administrative trust fund.

504 (III) Decals shall display information to identify the  
505 boat as a qualifying boat under this sub-subparagraph,  
506 including, but not limited to, the decal's date of expiration.

507 (IV) The department is authorized to require dealers who  
508 purchase decals to file reports with the department and may  
509 prescribe all necessary records by rule. All such records are  
510 subject to inspection by the department.

511 (V) Any dealer or his or her agent who issues a decal  
512 falsely, fails to affix a decal, mismarks the expiration date of  
513 a decal, or fails to properly account for decals will be  
514 considered prima facie to have committed a fraudulent act to  
515 evade the tax and will be liable for payment of the tax plus a  
516 mandatory penalty of 200 percent of the tax, and shall be liable

832405

4/28/2010 12:18 PM

Amendment No.

517 for fine and punishment as provided by law for a conviction of a  
518 misdemeanor of the first degree, as provided in s. 775.082 or s.  
519 775.083.

520 (VI) Any nonresident purchaser of a boat who removes a  
521 decal prior to permanently removing the boat from the state, or  
522 defaces, changes, modifies, or alters a decal in a manner  
523 affecting its expiration date prior to its expiration, or who  
524 causes or allows the same to be done by another, will be  
525 considered prima facie to have committed a fraudulent act to  
526 evade the tax and will be liable for payment of the tax plus a  
527 mandatory penalty of 200 percent of the tax, and shall be liable  
528 for fine and punishment as provided by law for a conviction of a  
529 misdemeanor of the first degree, as provided in s. 775.082 or s.  
530 775.083.

531 (VII) The department is authorized to adopt rules  
532 necessary to administer and enforce this subparagraph and to  
533 publish the necessary forms and instructions.

534 (VIII) The department is hereby authorized to adopt  
535 emergency rules pursuant to s. 120.54(4) to administer and  
536 enforce the provisions of this subparagraph.

537  
538 If the purchaser fails to remove the qualifying boat from this  
539 state within the maximum 180 days after purchase or a  
540 nonqualifying boat or an aircraft from this state within 10 days  
541 after purchase or, when the boat or aircraft is repaired or  
542 altered, within 20 days after completion of such repairs or  
543 alterations, or permits the boat or aircraft to return to this  
544 state within 6 months from the date of departure, except as

832405

4/28/2010 12:18 PM

Amendment No.

545 provided in s. 212.08(7) (ggg), or if the purchaser fails to  
546 furnish the department with any of the documentation required by  
547 this subparagraph within the prescribed time period, the  
548 purchaser shall be liable for use tax on the cost price of the  
549 boat or aircraft and, in addition thereto, payment of a penalty  
550 to the Department of Revenue equal to the tax payable. This  
551 penalty shall be in lieu of the penalty imposed by s. 212.12(2)  
552 and is mandatory and shall not be waived by the department. The  
553 maximum 180-day period following the sale of a qualifying boat  
554 tax-exempt to a nonresident may not be tolled for any reason.  
555 ~~Notwithstanding other provisions of this paragraph to the~~  
556 ~~contrary, an aircraft purchased in this state under the~~  
557 ~~provisions of this paragraph may be returned to this state for~~  
558 ~~repairs within 6 months after the date of its departure without~~  
559 ~~being in violation of the law and without incurring liability~~  
560 ~~for the payment of tax or penalty on the purchase price of the~~  
561 ~~aircraft if the aircraft is removed from this state within 20~~  
562 ~~days after the completion of the repairs and if such removal can~~  
563 ~~be demonstrated by invoices for fuel, tie-down, hangar charges~~  
564 ~~issued by out-of-state vendors or suppliers, or similar~~  
565 ~~documentation.~~

566 (5) Notwithstanding any other provision of this chapter,  
567 the maximum amount of tax imposed under this chapter and  
568 collected on each sale or use of a boat in this state may not  
569 exceed \$18,000.

570 Section 8. Effective July 1, 2010, section 212.0597,  
571 Florida Statutes, is created to read:

832405  
4/28/2010 12:18 PM

Amendment No.

572       212.0597 Maximum tax on fractional aircraft ownership  
573 interests.—The maximum tax imposed under this chapter, including  
574 any discretionary sales surtax under s. 212.055, is limited to  
575 \$300 on the sale or use in this state of a fractional ownership  
576 interest in aircraft pursuant to a fractional aircraft ownership  
577 program. The tax applies to the total consideration paid for the  
578 fractional ownership interest, including any amounts paid by the  
579 fractional owner as monthly management or maintenance fees. The  
580 tax applies only if the fractional ownership interest is sold by  
581 or to the program manager of the fractional aircraft ownership  
582 program, or if the fractional ownership interest is transferred  
583 upon the approval of the program manager of the fractional  
584 aircraft ownership program.

585       Section 9. Effective July 1, 2010, paragraphs (b) and (g)  
586 of subsection (5) of section 212.08, Florida Statutes, are  
587 amended, paragraph (q) is added to that subsection, and  
588 paragraphs (ggg) and (hhh) are added to subsection (7) of that  
589 section, to read:

590       212.08 Sales, rental, use, consumption, distribution, and  
591 storage tax; specified exemptions.—The sale at retail, the  
592 rental, the use, the consumption, the distribution, and the  
593 storage to be used or consumed in this state of the following  
594 are hereby specifically exempt from the tax imposed by this  
595 chapter.

596       (5) EXEMPTIONS; ACCOUNT OF USE.—

597       (b) *Machinery and equipment used to increase productive*  
598 *output.—*

Amendment No.

599 1. Industrial machinery and equipment purchased for  
600 exclusive use by a new business in spaceport activities as  
601 defined by s. 212.02 or for use in new businesses that ~~which~~  
602 manufacture, process, compound, or produce for sale items of  
603 tangible personal property at fixed locations are exempt from  
604 the tax imposed by this chapter upon an affirmative showing by  
605 the taxpayer to the satisfaction of the department that such  
606 items are used in a new business in this state. Such purchases  
607 must be made prior to the date the business first begins its  
608 productive operations, and delivery of the purchased item must  
609 be made within 12 months after ~~of~~ that date.

610 2. Industrial machinery and equipment purchased for  
611 exclusive use by an expanding facility which is engaged in  
612 spaceport activities as defined by s. 212.02 or for use in  
613 expanding manufacturing facilities or plant units which  
614 manufacture, process, compound, or produce for sale items of  
615 tangible personal property at fixed locations in this state are  
616 exempt from any amount of tax imposed by this chapter upon an  
617 affirmative showing by the taxpayer to the satisfaction of the  
618 department that such items are used to increase the productive  
619 output of such expanded facility or business by not less than 10  
620 percent.

621 3.a. To receive an exemption provided by subparagraph 1.  
622 or subparagraph 2., a qualifying business entity shall apply to  
623 the department for a temporary tax exemption permit. The  
624 application shall state that a new business exemption or  
625 expanded business exemption is being sought. Upon a tentative  
626 affirmative determination by the department pursuant to

832405

4/28/2010 12:18 PM

Amendment No.

627 subparagraph 1. or subparagraph 2., the department shall issue  
628 such permit.

629 b. The applicant shall ~~be required to~~ maintain all  
630 necessary books and records to support the exemption. Upon  
631 completion of purchases of qualified machinery and equipment  
632 pursuant to subparagraph 1. or subparagraph 2., the temporary  
633 tax permit shall be delivered to the department or returned to  
634 the department by certified or registered mail.

635 c. If, in a subsequent audit conducted by the department,  
636 it is determined that the machinery and equipment purchased as  
637 exempt under subparagraph 1. or subparagraph 2. did not meet the  
638 criteria mandated by this paragraph or if commencement of  
639 production did not occur, the amount of taxes exempted at the  
640 time of purchase shall immediately be due and payable to the  
641 department by the business entity, together with the appropriate  
642 interest and penalty, computed from the date of purchase, in the  
643 manner prescribed by this chapter.

644 d. ~~If In the event~~ a qualifying business entity fails to  
645 apply for a temporary exemption permit or if the tentative  
646 determination by the department required to obtain a temporary  
647 exemption permit is negative, a qualifying business entity shall  
648 receive the exemption provided in subparagraph 1. or  
649 subparagraph 2. through a refund of previously paid taxes. No  
650 refund may be made for such taxes unless the criteria mandated  
651 by subparagraph 1. or subparagraph 2. have been met and  
652 commencement of production has occurred.

653 4. The department shall adopt rules governing applications  
654 for, issuance of, and the form of temporary tax exemption

832405

4/28/2010 12:18 PM



Amendment No.

655 permits; provisions for recapture of taxes; and the manner and  
656 form of refund applications, and may establish guidelines as to  
657 the requisites for an affirmative showing of increased  
658 productive output, commencement of production, and qualification  
659 for exemption.

660 5. The exemptions provided in subparagraphs 1. and 2. do  
661 not apply to machinery or equipment purchased or used by  
662 electric utility companies, communications companies, oil or gas  
663 exploration or production operations, publishing firms that do  
664 not export at least 50 percent of their finished product out of  
665 the state, any firm subject to regulation by the Division of  
666 Hotels and Restaurants of the Department of Business and  
667 Professional Regulation, or any firm that ~~which~~ does not  
668 manufacture, process, compound, or produce for sale items of  
669 tangible personal property or that ~~which~~ does not use such  
670 machinery and equipment in spaceport activities as required by  
671 this paragraph. The exemptions provided in subparagraphs 1. and  
672 2. shall apply to machinery and equipment purchased for use in  
673 phosphate or other solid minerals severance, mining, or  
674 processing operations.

675 6. For the purposes of the exemptions provided in  
676 subparagraphs 1. and 2., these terms have the following meanings:

677 a. "Industrial machinery and equipment" means tangible  
678 personal property or other property that has a depreciable life  
679 of 3 years or more and that is used as an integral part in the  
680 manufacturing, processing, compounding, or production of  
681 tangible personal property for sale or is exclusively used in  
682 spaceport activities. A building and its structural components

832405

4/28/2010 12:18 PM

Amendment No.

683 are not industrial machinery and equipment unless the building  
684 or structural component is so closely related to the industrial  
685 machinery and equipment that it houses or supports that the  
686 building or structural component can be expected to be replaced  
687 when the machinery and equipment are replaced. Heating and air-  
688 conditioning systems are not industrial machinery and equipment  
689 unless the sole justification for their installation is to meet  
690 the requirements of the production process, even though the  
691 system may provide incidental comfort to employees or serve, to  
692 an insubstantial degree, nonproduction activities. The term  
693 includes parts and accessories only to the extent that the  
694 exemption thereof is consistent with the provisions of this  
695 paragraph.

696 b. "Productive output" means the number of units actually  
697 produced by a single plant, ~~or operation,~~ or product line in a  
698 single continuous 12-month period, irrespective of sales.  
699 Increases in productive output shall be measured by the output  
700 for 12 continuous months selected by the expanding business  
701 ~~immediately~~ following the completion of installation of such  
702 machinery or equipment over the output for the 12 continuous  
703 months immediately preceding such installation. However, ~~if a~~  
704 ~~different 12-month continuous period of time would more~~  
705 ~~accurately reflect the increase in productive output of~~  
706 ~~machinery and equipment purchased to facilitate an expansion,~~  
707 ~~the increase in productive output may be measured during that~~  
708 ~~12-month continuous period of time if such time period is~~  
709 ~~mutually agreed upon by the Department of Revenue and the~~  
710 ~~expanding business prior to the commencement of production;~~

832405

4/28/2010 12:18 PM

Amendment No.

711 ~~provided, however,~~ in no case may such time period begin later  
712 than 2 years following the completion of installation of the new  
713 machinery and equipment. The units used to measure productive  
714 output shall be physically comparable between the two periods,  
715 irrespective of sales.

716 (g) *Building materials used in the rehabilitation of real*  
717 *property located in an enterprise zone.-*

718 1. Building materials used in the rehabilitation of real  
719 property located in an enterprise zone are ~~shall be~~ exempt from  
720 the tax imposed by this chapter upon an affirmative showing to  
721 the satisfaction of the department that the items have been used  
722 for the rehabilitation of real property located in an enterprise  
723 zone. Except as provided in subparagraph 2., this exemption  
724 inures to the owner, lessee, or lessor of the rehabilitated real  
725 property located in an enterprise zone only through a refund of  
726 previously paid taxes. To receive a refund pursuant to this  
727 paragraph, the owner, lessee, or lessor of the rehabilitated  
728 real property located in an enterprise zone must file an  
729 application under oath with the governing body or enterprise  
730 zone development agency having jurisdiction over the enterprise  
731 zone where the business is located, as applicable, which  
732 includes:

733 a. The name and address of the person claiming the refund.

734 b. An address and assessment roll parcel number of the  
735 rehabilitated real property in an enterprise zone for which a  
736 refund of previously paid taxes is being sought.

737 c. A description of the improvements made to accomplish  
738 the rehabilitation of the real property.

832405

4/28/2010 12:18 PM

Amendment No.

739 d. A copy of the building permit issued for the  
740 rehabilitation of the real property.

741 e. A sworn statement, under the penalty of perjury, from  
742 the general contractor licensed in this state with whom the  
743 applicant contracted to make the improvements necessary to  
744 accomplish the rehabilitation of the real property, which  
745 statement lists the building materials used in the  
746 rehabilitation of the real property, the actual cost of the  
747 building materials, and the amount of sales tax paid in this  
748 state on the building materials. ~~If in the event that~~ a general  
749 contractor has not been used, the applicant shall provide this  
750 information in a sworn statement, under the penalty of perjury.  
751 Copies of the invoices that ~~which~~ evidence the purchase of the  
752 building materials used in such rehabilitation and the payment  
753 of sales tax on the building materials shall be attached to the  
754 sworn statement provided by the general contractor or by the  
755 applicant. Unless the actual cost of building materials used in  
756 the rehabilitation of real property and the payment of sales  
757 taxes due thereon is documented by a general contractor or by  
758 the applicant in this manner, the cost of such building  
759 materials shall be an amount equal to 40 percent of the increase  
760 in assessed value for ad valorem tax purposes.

761 f. The identifying number assigned pursuant to s. 290.0065  
762 to the enterprise zone in which the rehabilitated real property  
763 is located.

764 g. A certification by the local building code inspector  
765 that the improvements necessary to accomplish the rehabilitation  
766 of the real property are substantially completed.

832405

4/28/2010 12:18 PM

Amendment No.

767 h. Whether the business is a small business as defined by  
768 s. 288.703(1).

769 i. If applicable, the name and address of each permanent  
770 employee of the business, including, for each employee who is a  
771 resident of an enterprise zone, the identifying number assigned  
772 pursuant to s. 290.0065 to the enterprise zone in which the  
773 employee resides.

774 2. This exemption inures to a municipality ~~city~~, county,  
775 other governmental agency, or nonprofit community-based  
776 organization through a refund of previously paid taxes if the  
777 building materials used in the rehabilitation of real property  
778 located in an enterprise zone are paid for from the funds of a  
779 community development block grant, State Housing Initiatives  
780 Partnership Program, or similar grant or loan program. To  
781 receive a refund pursuant to this paragraph, a municipality  
782 ~~city~~, county, other governmental agency, or nonprofit community-  
783 based organization must file an application that ~~which~~ includes  
784 the same information required to be provided in subparagraph 1.  
785 by an owner, lessee, or lessor of rehabilitated real property.  
786 In addition, the application must include a sworn statement  
787 signed by the chief executive officer of the municipality ~~city~~,  
788 county, other governmental agency, or nonprofit community-based  
789 organization seeking a refund which states that the building  
790 materials for which a refund is sought were paid for from the  
791 funds of a community development block grant, State Housing  
792 Initiatives Partnership Program, or similar grant or loan  
793 program.

832405

4/28/2010 12:18 PM

Amendment No.

794           3. Within 10 working days after receipt of an application,  
795 the governing body or enterprise zone development agency shall  
796 review the application to determine if it contains all the  
797 information required pursuant to subparagraph 1. or subparagraph  
798 2. and meets the criteria set out in this paragraph. The  
799 governing body or agency shall certify all applications that  
800 contain the information required pursuant to subparagraph 1. or  
801 subparagraph 2. and that meet the criteria set out in this  
802 paragraph as eligible to receive a refund. If applicable, the  
803 governing body or agency shall also certify if 20 percent of the  
804 employees of the business are residents of an enterprise zone,  
805 excluding temporary and part-time employees. The certification  
806 shall be in writing, and a copy of the certification shall be  
807 transmitted to the executive director of the department ~~of~~  
808 ~~Revenue~~. The applicant is ~~shall be~~ responsible for forwarding a  
809 certified application to the department within the time  
810 specified in subparagraph 4.

811           4. An application for a refund pursuant to this paragraph  
812 must be submitted to the department within 6 months after the  
813 rehabilitation of the property is deemed to be substantially  
814 completed by the local building code inspector or by September 1  
815 after the rehabilitated property is first subject to assessment.

816           5. Not more than one exemption through a refund of  
817 previously paid taxes for the rehabilitation of real property  
818 shall be permitted for any single parcel of property unless  
819 there is a change in ownership, a new lessor, or a new lessee of  
820 the real property. No refund shall be granted pursuant to this  
821 paragraph unless the amount to be refunded exceeds \$500. No

832405

4/28/2010 12:18 PM

Amendment No.

822 refund granted pursuant to this paragraph shall exceed the  
823 lesser of 97 percent of the Florida sales or use tax paid on the  
824 cost of the building materials used in the rehabilitation of the  
825 real property as determined pursuant to sub-subparagraph 1.e. or  
826 \$5,000, or, if no less than 20 percent of the employees of the  
827 business are residents of an enterprise zone, excluding  
828 temporary and part-time employees, the amount of refund granted  
829 pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97  
830 percent of the sales tax paid on the cost of such building  
831 materials or \$10,000. A refund approved pursuant to this  
832 paragraph shall be made within 30 days after ~~of~~ formal approval  
833 by the department of the application for the refund. This  
834 subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

835 6. The department shall adopt rules governing the manner  
836 and form of refund applications and may establish guidelines as  
837 to the requisites for an affirmative showing of qualification  
838 for exemption under this paragraph.

839 7. The department shall deduct an amount equal to 10  
840 percent of each refund granted under ~~the provisions of~~ this  
841 paragraph from the amount transferred into the Local Government  
842 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20  
843 for the county area in which the rehabilitated real property is  
844 located and shall transfer that amount to the General Revenue  
845 Fund.

846 8. For the purposes of the exemption provided in this  
847 paragraph, the term:

832405

4/28/2010 12:18 PM

Amendment No.

848 a. "Building materials" means tangible personal property  
849 that ~~which~~ becomes a component part of improvements to real  
850 property.

851 b. "Real property" has the same meaning as provided in s.  
852 192.001(12), except that the term does not include a condominium  
853 parcel or condominium property as defined in s. 718.103.

854 c. "Rehabilitation of real property" means the  
855 reconstruction, renovation, restoration, rehabilitation,  
856 construction, or expansion of improvements to real property.

857 d. "Substantially completed" has the same meaning as  
858 provided in s. 192.042(1).

859 9. This paragraph expires on the date specified in s.  
860 290.016 for the expiration of the Florida Enterprise Zone Act.

861 (q) Entertainment industry tax credit; authorization;  
862 eligibility for credits.—The credits against the state sales tax  
863 authorized pursuant to s. 288.1254 shall be deducted from any  
864 sales and use tax remitted by the dealer to the department by  
865 electronic funds transfer and may only be deducted on a sales  
866 and use tax return initiated through electronic data  
867 interchange. The dealer shall separately state the credit on the  
868 electronic return. The net amount of tax due and payable must be  
869 remitted by electronic funds transfer. If the credit for the  
870 qualified expenditures is larger than the amount owed on the  
871 sales and use tax return that is eligible for the credit, the  
872 unused amount of the credit may be carried forward to a  
873 succeeding reporting period as provided in s. 288.1254(4)(e). A  
874 dealer may only obtain a credit using the method described in

832405

4/28/2010 12:18 PM



Amendment No.

875 this subparagraph. A dealer is not authorized to obtain a credit  
876 by applying for a refund.

877 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
878 entity by this chapter do not inure to any transaction that is  
879 otherwise taxable under this chapter when payment is made by a  
880 representative or employee of the entity by any means,  
881 including, but not limited to, cash, check, or credit card, even  
882 when that representative or employee is subsequently reimbursed  
883 by the entity. In addition, exemptions provided to any entity by  
884 this subsection do not inure to any transaction that is  
885 otherwise taxable under this chapter unless the entity has  
886 obtained a sales tax exemption certificate from the department  
887 or the entity obtains or provides other documentation as  
888 required by the department. Eligible purchases or leases made  
889 with such a certificate must be in strict compliance with this  
890 subsection and departmental rules, and any person who makes an  
891 exempt purchase with a certificate that is not in strict  
892 compliance with this subsection and the rules is liable for and  
893 shall pay the tax. The department may adopt rules to administer  
894 this subsection.

895 (ggg) Aircraft temporarily in the state.—

896 1. An aircraft owned by a nonresident is exempt from the  
897 use tax imposed by this chapter if the aircraft enters and  
898 remains in this state for less than a total of 21 days during  
899 the 6-month period after the date of purchase. The temporary use  
900 of the aircraft and subsequent removal from this state may be  
901 proven by invoices for fuel, tie-down, or hangar charges issued  
902 by out-of-state vendors or suppliers or similar documentation

832405

4/28/2010 12:18 PM

Amendment No.

903 that clearly and specifically identifies the aircraft. The  
904 exemption created by this subparagraph is in addition to the  
905 exemptions provided in subparagraph 2. and s. 212.05(1) (a).

906 2. An aircraft owned by a nonresident is exempt from the  
907 use tax imposed by this chapter if the aircraft enters or  
908 remains in this state exclusively for the purpose of flight  
909 training, repairs, alterations, refitting, or modification. Such  
910 purposes must be supported by written documentation issued by  
911 in-state vendors or suppliers which clearly and specifically  
912 identifies the aircraft. The exemption created by this  
913 subparagraph is in addition to the exemptions provided in  
914 subparagraph 1. and s. 212.05(1) (a).

915 (hhh) Fractional aircraft ownership programs.—The sale or  
916 use of aircraft primarily used in a fractional aircraft  
917 ownership program or of any parts or labor used in the  
918 completion, maintenance, repair, or overhaul of such aircraft is  
919 exempt from the tax imposed by this chapter. The exemption is  
920 not allowed unless the program manager of the fractional  
921 aircraft ownership program furnishes the dealer with a  
922 certificate stating that the lease, purchase, repair, or  
923 maintenance is for aircraft primarily used in a fractional  
924 aircraft ownership program and that the program manager  
925 qualifies for the exemption. If a program manager makes tax-  
926 exempt purchases on a continual basis, the program manager may  
927 allow the dealer to keep the certificate on file. The program  
928 manager must inform a dealer that keeps the certificate on file  
929 if the program manager no longer qualifies for the exemption.

832405  
4/28/2010 12:18 PM

Amendment No.

930 The department may adopt rules to administer this paragraph,  
931 including rules determining the format of the certificate.

932 Section 10. Effective July 1, 2010, paragraph (z) is added  
933 to subsection (8) of section 213.053, Florida Statutes, to read:

934 213.053 Confidentiality and information sharing.—

935 (8) Notwithstanding any other provision of this section,  
936 the department may provide:

937 (z) Information relative to tax credits taken under s.  
938 288.1254 to the Office of Film and Entertainment and the Office  
939 of Tourism, Trade, and Economic Development.

940

941 Disclosure of information under this subsection shall be  
942 pursuant to a written agreement between the executive director  
943 and the agency. Such agencies, governmental or nongovernmental,  
944 shall be bound by the same requirements of confidentiality as  
945 the Department of Revenue. Breach of confidentiality is a  
946 misdemeanor of the first degree, punishable as provided by s.  
947 775.082 or s. 775.083.

948 Section 11. Effective July 1, 2010, subsection (8) of  
949 section 220.02, Florida Statutes, is amended to read:

950 220.02 Legislative intent.—

951 (8) It is the intent of the Legislature that credits  
952 against either the corporate income tax or the franchise tax be  
953 applied in the following order: those enumerated in s. 631.828,  
954 those enumerated in s. 220.191, those enumerated in s. 220.181,  
955 those enumerated in s. 220.183, those enumerated in s. 220.182,  
956 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
957 those enumerated in s. 220.184, those enumerated in s. 220.186,  
832405

4/28/2010 12:18 PM

Amendment No.

958 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
959 those enumerated in s. 220.185, those enumerated in s. 220.187,  
960 those enumerated in s. 220.192, those enumerated in s. 220.193,  
961 ~~and~~ those enumerated in s. 288.9916, those enumerated in s.  
962 220.1899, and those enumerated in s. 220.1896.

963 Section 12. Paragraph (a) of subsection (1) of section  
964 220.13, Florida Statutes, is amended to read:

965 220.13 "Adjusted federal income" defined.—

966 (1) The term "adjusted federal income" means an amount  
967 equal to the taxpayer's taxable income as defined in subsection  
968 (2), or such taxable income of more than one taxpayer as  
969 provided in s. 220.131, for the taxable year, adjusted as  
970 follows:

971 (a) Additions.—There shall be added to such taxable  
972 income:

973 1. The amount of any tax upon or measured by income,  
974 excluding taxes based on gross receipts or revenues, paid or  
975 accrued as a liability to the District of Columbia or any state  
976 of the United States which is deductible from gross income in  
977 the computation of taxable income for the taxable year.

978 2. The amount of interest which is excluded from taxable  
979 income under s. 103(a) of the Internal Revenue Code or any other  
980 federal law, less the associated expenses disallowed in the  
981 computation of taxable income under s. 265 of the Internal  
982 Revenue Code or any other law, excluding 60 percent of any  
983 amounts included in alternative minimum taxable income, as  
984 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
985 taxpayer pays tax under s. 220.11(3).

832405

4/28/2010 12:18 PM

Amendment No.

986           3. In the case of a regulated investment company or real  
987 estate investment trust, an amount equal to the excess of the  
988 net long-term capital gain for the taxable year over the amount  
989 of the capital gain dividends attributable to the taxable year.

990           4. That portion of the wages or salaries paid or incurred  
991 for the taxable year which is equal to the amount of the credit  
992 allowable for the taxable year under s. 220.181. This  
993 subparagraph shall expire on the date specified in s. 290.016  
994 for the expiration of the Florida Enterprise Zone Act.

995           5. That portion of the ad valorem school taxes paid or  
996 incurred for the taxable year which is equal to the amount of  
997 the credit allowable for the taxable year under s. 220.182. This  
998 subparagraph shall expire on the date specified in s. 290.016  
999 for the expiration of the Florida Enterprise Zone Act.

1000           6. The amount of emergency excise tax paid or accrued as a  
1001 liability to this state under chapter 221 which tax is  
1002 deductible from gross income in the computation of taxable  
1003 income for the taxable year.

1004           7. That portion of assessments to fund a guaranty  
1005 association incurred for the taxable year which is equal to the  
1006 amount of the credit allowable for the taxable year.

1007           8. In the case of a nonprofit corporation which holds a  
1008 pari-mutuel permit and which is exempt from federal income tax  
1009 as a farmers' cooperative, an amount equal to the excess of the  
1010 gross income attributable to the pari-mutuel operations over the  
1011 attributable expenses for the taxable year.

1012           9. The amount taken as a credit for the taxable year under  
1013 s. 220.1895.

832405  
4/28/2010 12:18 PM

Amendment No.

1014 10. Up to nine percent of the eligible basis of any  
1015 designated project which is equal to the credit allowable for  
1016 the taxable year under s. 220.185.

1017 11. The amount taken as a credit for the taxable year  
1018 under s. 220.187.

1019 12. The amount taken as a credit for the taxable year  
1020 under s. 220.192.

1021 13. The amount taken as a credit for the taxable year  
1022 under s. 220.193.

1023 14. Any portion of a qualified investment, as defined in  
1024 s. 288.9913, which is claimed as a deduction by the taxpayer and  
1025 taken as a credit against income tax pursuant to s. 288.9916.

1026 15. The costs to acquire a tax credit pursuant to s.  
1027 288.1254(5) that are deducted from or otherwise reduce federal  
1028 taxable income for the taxable year.

1029 Section 13. Effective July 1, 2010, section 220.1896,  
1030 Florida Statutes, is created to read:

1031 220.1896 Jobs for the Unemployed Tax Credit Program.—

1032 (1) As used in this section, the term:

1033 (a) "Eligible business" means any target industry business  
1034 as defined in s. 288.106(2) which is subject to the tax imposed  
1035 by this chapter. The eligible business does not have to be  
1036 certified to receive the Qualified Target Industry Tax Refund  
1037 Incentive under s. 288.106 in order to receive the tax credit  
1038 available under this section.

1039 (b) "Office" means the Office of Tourism, Trade, and  
1040 Economic Development.

1041 (c) "Qualified employee" means a person:

832405

4/28/2010 12:18 PM

Amendment No.

1042 1. Who was unemployed at least 30 days immediately prior  
1043 to being hired by an eligible business.

1044 2. Who was hired by an eligible business on or after July  
1045 1, 2010, and had not previously been employed by the eligible  
1046 business or its parent or an affiliated corporation.

1047 3. Who performed duties connected to the operations of the  
1048 eligible business on a regular, full-time basis for an average  
1049 of at least 36 hours per week and for at least 12 months before  
1050 an eligible business is awarded a tax credit.

1051 4. Whose employment by the eligible business has not  
1052 formed the basis for any other claim to a credit pursuant to  
1053 this section.

1054 (2) A certified business shall receive a \$1,000 tax credit  
1055 for each qualified employee, pursuant to limitation in  
1056 subsection (5).

1057 (3) (a) In order to become a certified business, an  
1058 eligible business must file under oath with the office an  
1059 application that includes:

1060 1. The name, address and NAICS identifying code of the  
1061 eligible business.

1062 2. Relevant employment information.

1063 3. A sworn affidavit, signed by each employee, attesting  
1064 to his or her previous unemployment for whom the eligible  
1065 business is seeking credits under this section.

1066 4. Verification that the wages paid by the eligible  
1067 business to each of its qualified employees exceeds the wage  
1068 eligibility levels for Medicaid and other public assistance  
1069 programs.

832405

4/28/2010 12:18 PM

Amendment No.

1070 5. Any other information necessary to process the  
1071 application.

1072 (b) The office shall process applications to certify a  
1073 business in the order in which the applications are received,  
1074 without regard as to whether the applicant is a new or an  
1075 existing business. The office shall review and approve or deny  
1076 an application within 10 days after receiving a completed  
1077 application. The office shall notify the applicant in writing as  
1078 to the office's decision.

1079 (c)1. The office shall submit a copy of the letter of  
1080 certification to the department within 10 days after the office  
1081 issues the letter of certification to the applicant.

1082 2. If the application of an eligible business is not  
1083 sufficient to certify the applicant business, the office must  
1084 deny the application and issue a notice of denial to the  
1085 applicant.

1086 3. If the application of an eligible business does not  
1087 contain sufficient documentation of the number of qualified  
1088 employees, the office shall approve the application with respect  
1089 to the employees for whom the office determines are qualified  
1090 employees. The office must deny the application with respect to  
1091 persons for whom the office determines are not qualified  
1092 employees or for whom insufficient documentation has been  
1093 provided. A business may not submit a revised application for  
1094 certification or for the determination of a person as a  
1095 qualified employee more than 3 months after the issuance of a  
1096 notice of denial with respect to the business or a particular  
1097 person as a qualified employee.

832405

4/28/2010 12:18 PM



Amendment No.

1098       (4) The applicant for a tax credit under this section has  
1099 the responsibility to affirmatively demonstrate to the  
1100 satisfaction of the office and the department that the applicant  
1101 and the persons claimed as qualified employees meet the  
1102 requirements of this section.

1103       (5) The total amount of tax credits under this section  
1104 which may be approved by the office for all applicants is \$10  
1105 million, with \$5 million available to be awarded in the 2011-  
1106 2012 fiscal year and \$5 million available to be awarded in the  
1107 2012-2013 fiscal year.

1108       (6) A tax credit amount that is granted under this section  
1109 which is not fully used in the first year for which it becomes  
1110 available, may be carried forward to the subsequent taxable  
1111 year. The carryover credit may be used in the subsequent year if  
1112 the tax imposed by this chapter for such year exceeds the credit  
1113 for such year under this section after applying the other  
1114 credits and unused credit carryovers in the order provided in s.  
1115 220.02(8).

1116       (7) A person who fraudulently claims a credit under this  
1117 section is liable for repayment of the credit plus a mandatory  
1118 penalty of 100 percent of the credit. Such person also commits a  
1119 misdemeanor of the second degree, punishable as provided in s.  
1120 775.082 or s. 775.083.

1121       (8) The office may adopt rules governing the manner and  
1122 form of applications for the tax credit. The office may  
1123 establish guidelines for making an affirmative showing of  
1124 qualification for the tax credit under this section.

832405  
4/28/2010 12:18 PM

Amendment No.

1125 (9) The department may adopt rules to administer this  
1126 section, including rules relating to the creation of forms to  
1127 claim a tax credit and examination and audit procedures required  
1128 to administer this section.

1129 (10) This section expires June 30, 2012. However, a  
1130 taxpayer that is awarded a tax credit in the second year of the  
1131 program may carry forward any unused credit amount to the  
1132 subsequent tax reporting period. Rules adopted by the department  
1133 to administer this section shall remain valid as long as a  
1134 taxpayer may use a credit against its corporate income tax  
1135 liability.

1136 Section 14. Effective July 1, 2010, section 220.1899,  
1137 Florida Statutes, is created to read:

1138 220.1899 Entertainment industry tax credit.—

1139 (1) There shall be a credit allowed against the tax  
1140 imposed by this chapter in the amounts awarded by the Office of  
1141 Tourism, Trade, and Economic Development under the entertainment  
1142 industry financial incentive program in s. 288.1254.

1143 (2) A qualified production company as defined in s.  
1144 288.1254 that is awarded a tax credit under s. 288.1254 may not  
1145 claim the credit before July 1, 2011, regardless of when the  
1146 credit is awarded.

1147 (3) To the extent that the amount of a tax credit exceeds  
1148 the amount due on a return, the balance of the credit may be  
1149 carried forward to a succeeding taxable year pursuant to s.  
1150 288.1254(4)(e).

1151 Section 15. Subsection (1) of section 288.018, Florida  
1152 Statutes, is amended to read:

832405  
4/28/2010 12:18 PM

Amendment No.

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be \$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

Section 16. Effective July 1, 2010, section 288.0659, Florida Statutes, is created to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the Office of Tourism, Trade, and Economic Development. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

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

832405

4/28/2010 12:18 PM

Amendment No.

1181 (a) "Local government" means a county or municipality.

1182 (b) "Office" means the Office of Tourism, Trade, and  
1183 Economic Development.

1184 (c) "Qualified business assistance" means economic  
1185 incentives provided by a local government for the purpose of  
1186 attracting or retaining a specific business, including, but not  
1187 limited to, suspensions, waivers, or reductions of impact fees  
1188 or permit fees; direct incentive payments; expenditures for  
1189 onsite or offsite improvements directly benefiting a specific  
1190 business; or construction or renovation of buildings for a  
1191 specific business.

1192 (3) The office may accept and administer moneys  
1193 appropriated to the office for providing grants to match  
1194 expenditures by local governments to attract or retain  
1195 businesses in this state.

1196 (4) A local government may apply for grants to match  
1197 qualified business assistance made by the local government for  
1198 the purpose of attracting or retaining a specific business. A  
1199 local government may apply for no more than one grant per  
1200 targeted business. A local government may only have one  
1201 application pending with the office. Additional applications may  
1202 be filed after a previous application has been approved or  
1203 denied.

1204 (5) To qualify for a grant, the business being targeted by  
1205 a local government must create at least 15 full-time jobs, must  
1206 be new to this state, must be expanding its operations in this  
1207 state, or would otherwise leave the state absent state and local  
1208 assistance, and the local government applying for the grant must

832405

4/28/2010 12:18 PM

Amendment No.

1209 expedite its permitting processes for the target business by  
1210 accelerating the normal review and approval timelines. In  
1211 addition to these requirements, the office shall review the  
1212 grant requests using the following evaluation criteria, with  
1213 priority given in descending order:

1214 (a) The presence and degree of pervasive poverty,  
1215 unemployment, and general distress as determined pursuant to s.  
1216 290.0058 in the area where the business will locate, with  
1217 priority given to locations with greater degrees of poverty,  
1218 unemployment, and general distress.

1219 (b) The extent of reliance on the local government  
1220 expenditure as an inducement for the business's location  
1221 decision, with priority given to higher levels of local  
1222 government expenditure.

1223 (c) The number of new full-time jobs created, with  
1224 priority given to higher numbers of jobs created.

1225 (d) The average hourly wage for jobs created, with  
1226 priority given to higher average wages.

1227 (e) The amount of capital investment to be made by the  
1228 business, with priority given to higher amounts of capital  
1229 investment.

1230 (6) In evaluating grant requests, the office shall take  
1231 into consideration the need for grant assistance as it relates  
1232 to the local government's general fund balance as well as local  
1233 incentive programs that are already in existence.

1234 (7) Funds made available pursuant to this section may not  
1235 be expended in connection with the relocation of a business from  
1236 one community to another community in this state unless the

832405

4/28/2010 12:18 PM

Amendment No.

1237 office determines that without such relocation the business will  
1238 move outside this state or determines that the business has a  
1239 compelling economic rationale for the relocation which creates  
1240 additional jobs. Funds made available pursuant to this section  
1241 may not be used by the receiving local government to supplant  
1242 matching commitments required of the local government pursuant  
1243 to other state or federal incentive programs.

1244 (8) Within 30 days after the office receives an  
1245 application for a grant, the office shall approve a preliminary  
1246 grant allocation or disapprove the application. The preliminary  
1247 grant allocation shall be based on estimates of qualified  
1248 business assistance submitted by the local government and shall  
1249 equal 50 percent of the amount of the estimated qualified  
1250 business assistance or \$50,000, whichever is less. The  
1251 preliminary grant allocation shall be executed by contract with  
1252 the local government. The contract shall set forth the terms and  
1253 conditions, including the timeframes within which the final  
1254 grant award will be disbursed. The final grant award may not  
1255 exceed the preliminary grant allocation. The office may approve  
1256 preliminary grant allocations only to the extent that funds are  
1257 appropriated for such grants by the Legislature.

1258 (a) Preliminary grant allocations that are revoked or  
1259 voluntarily surrendered shall be immediately available for  
1260 reallocation.

1261 (b) Recipients of preliminary grant allocations shall  
1262 promptly report to the office the date on which the local  
1263 government's permitting and approval process is completed and

832405

4/28/2010 12:18 PM

Amendment No.

1264 the date on which all qualified business assistance are  
1265 completed.

1266 (9) The office shall make a final grant award to a local  
1267 government within 30 days after receiving information from the  
1268 local government sufficient to demonstrate actual qualified  
1269 business assistance. An awarded grant amount shall equal 50  
1270 percent of the amount of the qualified business assistance or  
1271 \$50,000, whichever is less, and may not exceed the preliminary  
1272 grant allocation. The amount by which a preliminary grant  
1273 allocation exceeds a final grant award shall be immediately  
1274 available for reallocation.

1275 (10) Up to 2 percent of the funds appropriated annually be  
1276 the Legislature for the program may be used by the office for  
1277 direct administrative costs associated with implementing this  
1278 section.

1279 Section 17. Paragraph (j) of subsection (1) of section  
1280 288.1045, Florida Statutes, is amended to read:

1281 288.1045 Qualified defense contractor and space flight  
1282 business tax refund program.—

1283 (1) DEFINITIONS.—As used in this section:

1284 (j) "Jobs" means full-time equivalent positions,  
1285 including, but not limited to, positions obtained from a  
1286 temporary employment agency or employee leasing company or  
1287 through a union agreement or coemployment under a professional  
1288 employer organization agreement, that ~~consistent with the use of~~  
1289 ~~such terms by the Agency for Workforce Innovation for the~~  
1290 ~~purpose of unemployment compensation tax, created or retained as~~  
1291 ~~a direct result~~ directly from ~~of~~ a project in this state. This

832405

4/28/2010 12:18 PM

Amendment No.

1292 number does not include temporary construction jobs involved  
1293 with the construction of facilities for the project.

1294 Section 18. Paragraphs (c), (d), and (e) of subsection (2)  
1295 of section 288.106, Florida Statutes, are redesignated as  
1296 paragraphs (d), (e), and (f), respectively, and paragraph (o) of  
1297 subsection (1), paragraph (b) of subsection (2), paragraphs (a)  
1298 and (b) of subsection (3), and subsection (8) of that section  
1299 are amended to read:

1300 288.106 Tax refund program for qualified target industry  
1301 businesses.—

1302 (1) DEFINITIONS.—As used in this section:

1303 (o) "Target industry business" means a corporate  
1304 headquarters business or any business that is engaged in one of  
1305 the target industries identified pursuant to the following  
1306 criteria developed by the office in consultation with Enterprise  
1307 Florida, Inc.:

1308 1. Future growth.—Industry forecasts should indicate  
1309 strong expectation for future growth in both employment and  
1310 output, according to the most recent available data. Special  
1311 consideration should be given to businesses that export goods or  
1312 services ~~Florida's growing access~~ to international markets or to  
1313 businesses that replace domestic and international ~~replacing~~  
1314 imports of goods or services.

1315 2. Stability.—The industry should not be subject to  
1316 periodic layoffs, whether due to seasonality or sensitivity to  
1317 volatile economic variables such as weather. The industry should  
1318 also be relatively resistant to recession, so that the demand

832405  
4/28/2010 12:18 PM



Amendment No.

1319 for products of this industry is not typically ~~necessarily~~  
1320 subject to decline during an economic downturn.

1321 3. High wage.—The industry should pay relatively high  
1322 wages compared to statewide or area averages.

1323 4. Market and resource independent.—The location of  
1324 industry businesses should not be dependent on Florida markets  
1325 or resources as indicated by industry analysis, except for  
1326 businesses in the renewable energy industry. ~~Special~~  
1327 ~~consideration should be given to the development of strong~~  
1328 ~~industrial clusters which include defense and homeland security~~  
1329 ~~businesses.~~

1330 5. Industrial base diversification and strengthening.—The  
1331 industry should contribute toward expanding or diversifying the  
1332 state's or area's economic base, as indicated by analysis of  
1333 employment and output shares compared to national and regional  
1334 trends. Special consideration should be given to industries that  
1335 strengthen regional economies by adding value to basic products  
1336 or building regional industrial clusters as indicated by  
1337 industry analysis. Special consideration should also be given to  
1338 the development of strong industrial clusters which include  
1339 defense and homeland security businesses.

1340 6. Economic benefits.—The industry is expected to ~~should~~  
1341 have strong positive impacts on or benefits to the state or ~~and~~  
1342 regional economies.

1343  
1344 ~~The office, in consultation with Enterprise Florida, Inc., shall~~  
1345 ~~develop a list of such target industries annually and submit~~  
1346 ~~such list as part of the final agency legislative budget request~~

832405

4/28/2010 12:18 PM

Amendment No.

1347 ~~submitted pursuant to s. 216.023(1).~~ A target industry business  
1348 may not include any business industry engaged in retail industry  
1349 activities; any electrical utility company; any phosphate or  
1350 other solid minerals severance, mining, or processing operation;  
1351 any oil or gas exploration or production operation; or any  
1352 business firm subject to regulation by the Division of Hotels  
1353 and Restaurants of the Department of Business and Professional  
1354 Regulation. Any business within NAICS code 5611 or 5614, office  
1355 administrative services and business support services,  
1356 respectively, may be considered a target industry business only  
1357 after the local governing body and Enterprise Florida, Inc.,  
1358 make a determination that the community where the business may  
1359 locate has conditions affecting the fiscal and economic  
1360 viability of the local community or area, including but not  
1361 limited to, factors such as low per capita income, high  
1362 unemployment, high underemployment, and a lack of year-round  
1363 stable employment opportunities, and such conditions may be  
1364 improved by the location of such a business to the community. By  
1365 January 1 of every 3rd year, beginning January 1, 2011, the  
1366 office, in consultation with Enterprise Florida, Inc., economic  
1367 development organizations, the State University System, local  
1368 governments, employee and employer organizations, market  
1369 analysts, and economists, shall review and, as appropriate,  
1370 revise the list of such target industries and submit the list to  
1371 the Governor, the President of the Senate, and the Speaker of  
1372 the House of Representatives.

1373 (2) TAX REFUND; ELIGIBLE AMOUNTS.—

832405

4/28/2010 12:18 PM

Amendment No.

1374 (b)1. Upon approval by the office director, a qualified  
1375 target industry business shall be allowed tax refund payments  
1376 equal to \$3,000 multiplied by ~~times~~ the number of jobs specified  
1377 in the tax refund agreement under subparagraph (4) (a)1., or  
1378 equal to \$6,000 multiplied by ~~times~~ the number of jobs if the  
1379 project is located in a rural community ~~county~~ or an enterprise  
1380 zone.

1381 2. ~~Further~~, A qualified target industry business shall be  
1382 allowed additional tax refund payments equal to \$1,000  
1383 multiplied by ~~times~~ the number of jobs specified in the tax  
1384 refund agreement under subparagraph (4) (a)1., if such jobs pay  
1385 an annual average wage of at least 150 percent of the average  
1386 private sector wage in the area, or equal to \$2,000 multiplied  
1387 by ~~times~~ the number of jobs if such jobs pay an annual average  
1388 wage of at least 200 percent of the average private sector wage  
1389 in the area.

1390 3. A qualified target industry business shall be allowed  
1391 tax refund payments in addition to the other payments authorized  
1392 in this paragraph equal to \$1,000 multiplied by the number of  
1393 jobs specified in the tax refund agreement under subparagraph  
1394 (4) (a)1. if the local financial support is equal to that of the  
1395 state's incentive award under subparagraph 1.

1396 4. In addition to the other tax refund payments authorized  
1397 in this paragraph, a qualified target industry business shall be  
1398 allowed a tax refund payment equal to \$2,000 multiplied by the  
1399 number of jobs specified in the tax refund agreement under  
1400 subparagraph (4) (a)1. if the business:

832405  
4/28/2010 12:18 PM

Amendment No.

1401 a. Falls within one of the high-impact sectors designated  
1402 under s. 288.108; or

1403 b. Increases exports of its goods through a seaport or  
1404 airport in the state by at least 10 percent in value or tonnage  
1405 in each of the years that the business receives a tax refund  
1406 under this section. For purposes of this sub-subparagraph,  
1407 seaports in the state are limited to the ports of Jacksonville,  
1408 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm  
1409 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,  
1410 Pensacola, Fernandina, and Key West.

1411 (c) A qualified target industry business may not receive  
1412 refund payments of more than 25 percent of the total tax refunds  
1413 specified in the tax refund agreement under subparagraph  
1414 (4) (a)1. in any fiscal year. Further, a qualified target  
1415 industry business may not receive more than \$1.5 million in  
1416 refunds under this section in any single fiscal year, or more  
1417 than \$2.5 million in any single fiscal year if the project is  
1418 located in an enterprise zone. A qualified target industry may  
1419 not receive more than \$5 million in refund payments under this  
1420 section in all fiscal years, or more than \$7.5 million if the  
1421 project is located in an enterprise zone. Funds made available  
1422 pursuant to this section may not be expended in connection with  
1423 the relocation of a business from one community to another  
1424 community in this state unless the Office of Tourism, Trade, and  
1425 Economic Development determines that without such relocation the  
1426 business will move outside this state or determines that the  
1427 business has a compelling economic rationale for the relocation  
1428 and that the relocation will create additional jobs.

832405

4/28/2010 12:18 PM

Amendment No.

1429 (3) APPLICATION AND APPROVAL PROCESS.—

1430 (a) To apply for certification as a qualified target  
1431 industry business under this section, the business must file an  
1432 application with the office before the business decides ~~has made~~  
1433 ~~the decision~~ to locate a ~~new business~~ in this state or before  
1434 the business decides ~~had made the decision~~ to expand its ~~an~~  
1435 existing operations ~~business~~ in this state. The application  
1436 shall include, but need ~~is~~ not be limited to, the following  
1437 information:

1438 1. The applicant's federal employer identification number  
1439 and, if applicable, ~~the applicant's~~ state sales tax registration  
1440 number.

1441 2. The proposed permanent location of the applicant's  
1442 facility in this state at which the project ~~is or~~ is to be  
1443 located.

1444 3. A description of the type of business activity or  
1445 product covered by the project, including a minimum of a five-  
1446 digit NAICS code for all activities included in the project. As  
1447 used in this paragraph, "NAICS" means those classifications  
1448 contained in the North American Industry Classification System,  
1449 as published in 2007 by the Office of Management and Budget,  
1450 Executive Office of the President and updated periodically.

1451 4. The proposed number of net new full-time equivalent  
1452 Florida jobs at the qualified target industry business as of  
1453 December 31 of each year included in the project and the average  
1454 wage of those jobs. If more than one type of business activity  
1455 or product is included in the project, the number of jobs and

832405

4/28/2010 12:18 PM

Amendment No.

1456 average wage for those jobs must be separately stated for each  
1457 type of business activity or product.

1458 5. The total number of full-time equivalent employees  
1459 employed by the applicant in this state, if applicable.

1460 6. The anticipated commencement date of the project.

1461 7. A brief statement explaining ~~concerning~~ the role that  
1462 the estimated tax refunds to be requested will play in the  
1463 decision of the applicant to locate or expand in this state.

1464 8. An estimate of the proportion of the sales resulting  
1465 from the project that will be made outside this state.

1466 9. An estimate of the proportion of the cost of the  
1467 machinery and equipment, and any other resources necessary in  
1468 the development of its product or service, to be used by the  
1469 business in its Florida operations which will be purchased  
1470 outside this state.

1471 10.9. A resolution adopted by the governing board of the  
1472 county or municipality in which the project will be located,  
1473 which resolution recommends that the project ~~certain types of~~  
1474 ~~businesses~~ be approved as a qualified target industry business  
1475 and specifies ~~states~~ that the commitments of local financial  
1476 support necessary for the target industry business exist. Before  
1477 ~~In advance of~~ the passage of such resolution, the office may  
1478 also accept an official letter from an authorized local economic  
1479 development agency that endorses the proposed target industry  
1480 project and pledges that sources of local financial support for  
1481 such project exist. For the purposes of making pledges of local  
1482 financial support under this subparagraph ~~subsection~~, the  
1483 authorized local economic development agency shall be officially

832405

4/28/2010 12:18 PM

Amendment No.

1484 designated by the passage of a one-time resolution by the local  
1485 governing board authority.

1486 ~~11.10.~~ Any additional information requested by the office.

1487 (b) To qualify for review by the office, the application  
1488 of a target industry business must, at a minimum, establish the  
1489 following to the satisfaction of the office:

1490 1.a. The jobs proposed to be created ~~provided~~ under the  
1491 application, pursuant to subparagraph (a)4., must pay an  
1492 estimated annual average wage equaling at least 115 percent of  
1493 the average private sector wage in the area where the business  
1494 is to be located or the statewide private sector average wage.  
1495 The governing board of the county where the qualified target  
1496 industry business is to be located shall notify the office and  
1497 Enterprise Florida, Inc., which calculation of the average  
1498 private sector wage in the area must be used as the basis for  
1499 the business' wage commitment. In determining the average annual  
1500 wage, the office shall include only new proposed jobs, and wages  
1501 for existing jobs shall be excluded from this calculation.

1502 b. The office may waive the average wage requirement at  
1503 the request of the local governing body recommending the project  
1504 and Enterprise Florida, Inc. The office may waive the wage  
1505 requirement ~~may only be waived~~ for a project located in a  
1506 brownfield area designated under s. 376.80, ~~or~~ in a rural city,  
1507 in a rural community, or county or in an enterprise zone, or for  
1508 a manufacturing project at any location in the state if the jobs  
1509 proposed to be created pay an estimated annual average wage  
1510 equaling at least 100 percent of the average private sector wage  
1511 in the area where the business is to be located, and only if

832405

4/28/2010 12:18 PM

Amendment No.

1512 ~~when~~ the merits of the individual project or the specific  
1513 circumstances in the community in relationship to the project  
1514 warrant such action. If the local governing body and Enterprise  
1515 Florida, Inc., make such a recommendation, it must be  
1516 transmitted in writing, and the specific justification for the  
1517 waiver recommendation must be explained. If the office director  
1518 elects to waive the wage requirement, the waiver must be stated  
1519 in writing, and the reasons for granting the waiver must be  
1520 explained.

1521 2. The target industry business's project must result in  
1522 the creation of at least 10 jobs at the ~~such~~ project and, in the  
1523 case of ~~if~~ an expansion of an existing business, must result in  
1524 a net increase in employment of at least 10 percent at the  
1525 business. ~~Notwithstanding the definition of the term "expansion~~  
1526 ~~of an existing business" in paragraph (1)(g),~~ At the request of  
1527 the local governing body recommending the project and Enterprise  
1528 Florida, Inc., the office may waive this requirement for a  
1529 business ~~define an "expansion of an existing business"~~ in a  
1530 rural community or an enterprise zone ~~as the expansion of a~~  
1531 ~~business resulting in a net increase in employment of less than~~  
1532 ~~10 percent at such business~~ if the merits of the individual  
1533 project or the specific circumstances in the community in  
1534 relationship to the project warrant such action. If the local  
1535 governing body and Enterprise Florida, Inc., make such a  
1536 request, the request must be transmitted in writing, and the  
1537 specific justification for the request must be explained. If the  
1538 office director elects to grant the request, the grant must be

832405

4/28/2010 12:18 PM



Amendment No.

1539 stated in writing and the reason for granting the request must  
1540 be explained.

1541 3. The business activity or product for the applicant's  
1542 project must be ~~is~~ within an industry ~~or industries that have~~  
1543 ~~been~~ identified by the office as a target industry business ~~to~~  
1544 ~~be high-value-added industries that~~ contributes ~~contribute to~~  
1545 ~~the area and~~ to the economic growth of the state and the area in  
1546 which the business is located, that produces ~~produce~~ a higher  
1547 standard of living for residents of this state in the new global  
1548 economy, or that can be shown to make an equivalent contribution  
1549 to the area's ~~area~~ and state's economic progress. ~~The director~~  
1550 ~~must approve requests to waive the wage requirement for~~  
1551 ~~brownfield areas designated under s. 376.80 unless it is~~  
1552 ~~demonstrated that such action is not in the public interest.~~

1553 (8) EXPIRATION.—An applicant may not be certified as  
1554 qualified under this section after June 30, 2020 ~~2010~~. A tax  
1555 refund agreement existing on that date shall continue in effect  
1556 in accordance with its terms.

1557 Section 19. Paragraph (f) of subsection (1) and paragraph  
1558 (d) of subsection (4) of section 288.107, Florida Statutes, are  
1559 amended to read:

1560 288.107 Brownfield redevelopment bonus refunds.—

1561 (1) DEFINITIONS.—As used in this section:

1562 (f) "Jobs" means full-time equivalent positions,  
1563 including, but not limited to, positions obtained from a  
1564 temporary employment agency or employee leasing company or  
1565 through a union agreement or coemployment under a professional  
1566 employer organization agreement, that result ~~as that term is~~

832405

4/28/2010 12:18 PM

Amendment No.

1567 ~~consistent with terms used by the Agency for Workforce~~  
1568 ~~Innovation for the purpose of unemployment compensation tax,~~  
1569 ~~resulting~~ directly from a project in this state. The term does  
1570 not include temporary construction jobs involved with the  
1571 construction of facilities for the project and which are not  
1572 associated with the implementation of the site rehabilitation as  
1573 provided in s. 376.80.

1574 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1575 (d) After entering into a tax refund agreement as provided  
1576 in s. 288.106 or other similar agreement for other eligible  
1577 businesses as defined in paragraph (1)(e), an eligible business  
1578 may receive brownfield redevelopment bonus refunds from the  
1579 account pursuant to s. 288.106(2) (d) ~~(e)~~.

1580 Section 20. Paragraphs (a) and (g) of subsection (2),  
1581 paragraph (b) of subsection (3), and paragraph (a) of subsection  
1582 (6) of section 288.108, Florida Statutes, are amended to read:

1583 288.108 High-impact business.—

1584 (2) DEFINITIONS.—As used in this section, the term:

1585 (a) "Eligible high-impact business" means a business in  
1586 one of the high-impact sectors identified by Enterprise Florida,  
1587 Inc., and certified by the Office of Tourism, Trade, and  
1588 Economic Development as provided in subsection (5), which is  
1589 making a cumulative investment in the state of at least \$50 ~~\$100~~  
1590 million and creating at least 50 ~~100~~ new full-time equivalent  
1591 jobs in the state or a research and development facility making  
1592 a cumulative investment of at least \$25 ~~\$75~~ million and creating  
1593 at least 25 ~~75~~ new full-time equivalent jobs. Such investment  
1594 and employment must be achieved in a period not to exceed 3

832405

4/28/2010 12:18 PM

Amendment No.

1595 years after the date the business is certified as a qualified  
1596 high-impact business.

1597 (g) "Jobs" means full-time equivalent positions,  
1598 including, but not limited to, positions obtained from a  
1599 temporary employment agency or employee leasing company or  
1600 through a union agreement or coemployment under a professional  
1601 employer organization agreement, that result as that term is  
1602 consistent with terms used by the Agency for Workforce  
1603 Innovation and the United States Department of Labor for  
1604 purposes of unemployment compensation tax administration and  
1605 employment estimation, resulting directly from a project in this  
1606 state. The term does not include temporary construction jobs  
1607 involved in the construction of the project facility.

1608 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE  
1609 AMOUNTS.—

1610 (b) The office may, in consultation with Enterprise  
1611 Florida, Inc., negotiate qualified high-impact business  
1612 performance grant awards for any single qualified high-impact  
1613 business. In negotiating such awards, the office shall consider  
1614 the following guidelines in conjunction with other relevant  
1615 applicant impact and cost information and analysis as required  
1616 in subsection (5). A qualified high-impact business making a  
1617 cumulative investment of \$50 million and creating 50 jobs may be  
1618 eligible for a total qualified high-impact business performance  
1619 grant of \$500,000 to \$1 million. A qualified high-impact  
1620 business making a cumulative investment of \$100 million and  
1621 creating 100 jobs may be eligible for a total qualified high-  
1622 impact business performance grant of \$1 million to \$2 million. A

832405

4/28/2010 12:18 PM

Amendment No.

1623 qualified high-impact business making a cumulative investment of  
1624 \$800 million and creating 800 jobs may be eligible for a  
1625 qualified high-impact business performance grant of \$10 million  
1626 to \$12 million. A qualified high-impact business engaged in  
1627 research and development making a cumulative investment of \$25  
1628 million and creating 25 jobs may be eligible for a total  
1629 qualified high-impact business performance grant of \$700,000 to  
1630 \$1 million. A qualified high-impact business, engaged in  
1631 research and development, making a cumulative investment of \$75  
1632 million, and creating 75 jobs may be eligible for a total  
1633 qualified high-impact business performance grant of \$2 million  
1634 to \$3 million. A qualified high-impact business, engaged in  
1635 research and development, making a cumulative investment of \$150  
1636 million, and creating 150 jobs may be eligible for a qualified  
1637 high-impact business performance grant of \$3.5 million to \$4.5  
1638 million.

1639 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

1640 (a) Enterprise Florida, Inc., shall, by January 1, of  
1641 every third year, beginning January 1, 2011, at its discretion,  
1642 initiate the process of reviewing and, if appropriate, selecting  
1643 a new high-impact sector for designation or recommending the  
1644 deactivation of a designated high-impact sector. The process of  
1645 reviewing designated high-impact sectors or recommending the  
1646 deactivation of a designated high-impact sector shall be in  
1647 consultation with the office, economic development  
1648 organizations, the State University System, local governments,  
1649 employee and employer organizations, market analysts, and  
1650 economists.

832405

4/28/2010 12:18 PM

Amendment No.

1651 Section 21. Section 288.1083, Florida Statutes, is created  
1652 to read:

1653 288.1083 Manufacturing and Spaceport Investment Incentive  
1654 Program.—

1655 (1) The Manufacturing and Spaceport Investment Incentive  
1656 Program is created within the Office of Tourism, Trade, and  
1657 Economic Development. The purpose of the program is to encourage  
1658 capital investment and job creation in manufacturing and  
1659 spaceport activities in this state.

1660 (2) As used in this section, the term:

1661 (a) "Base year purchases" means the total cost of eligible  
1662 equipment purchased and placed into service in this state by an  
1663 eligible entity in its tax year that began in 2008.

1664 (b) "Department" means the Department of Revenue.

1665 (c) "Eligible entity" means an entity that manufactures,  
1666 processes, compounds, or produces items for sale of tangible  
1667 personal property or engages in spaceport activities. The term  
1668 also includes an entity that engages in phosphate or other solid  
1669 minerals severance, mining, or processing operations. The term  
1670 does not include electric utility companies, communications  
1671 companies, oil or gas exploration or production operations,  
1672 publishing firms that do not export at least 50 percent of their  
1673 finished product out of the state, any firm subject to  
1674 regulation by the Division of Hotels and Restaurants of the  
1675 Department of Business and Professional Regulation, or any firm  
1676 that does not manufacture, process, compound, or produce for  
1677 sale items of tangible personal property or that does not use  
1678 such machinery and equipment in spaceport activities.

832405

4/28/2010 12:18 PM

Amendment No.

1679        (d) "Eligible equipment" means tangible personal property  
1680 or other property that has a depreciable life of 3 years or more  
1681 and that is used as an integral part in the manufacturing,  
1682 processing, compounding, or production of tangible personal  
1683 property for sale or is exclusively used in spaceport  
1684 activities, and that is located and placed into service in this  
1685 state. A building and its structural components are not eligible  
1686 equipment unless the building or structural component is so  
1687 closely related to the industrial machinery and equipment that  
1688 it houses or supports that the building or structural component  
1689 can be expected to be replaced when the machinery and equipment  
1690 are replaced. Heating and air-conditioning systems are not  
1691 eligible equipment unless the sole justification for their  
1692 installation is to meet the requirements of the production  
1693 process, even though the system may provide incidental comfort  
1694 to employees or serve, to an insubstantial degree, nonproduction  
1695 activities. The term includes parts and accessories only to the  
1696 extent that the exemption of such parts and accessories is  
1697 consistent with the provisions of this paragraph.

1698        (e) "Eligible equipment purchases" means the cost of  
1699 eligible equipment purchased and placed into service in this  
1700 state in a given state fiscal year by an eligible entity in  
1701 excess of the entity's base year purchases.

1702        (f) "Office" means the Office of Tourism, Trade, and  
1703 Economic Development.

1704        (g) "Refund" means a payment to an eligible entity for  
1705 the amount of state sales and use tax actually paid on eligible  
1706 equipment purchases.

832405

4/28/2010 12:18 PM

Amendment No.

1707       (3) Beginning July 1, 2010, and ending June 30, 2011, and  
1708 beginning July 1, 2011, and ending June 30, 2012, sales and use  
1709 tax paid in this state on eligible equipment purchases may  
1710 qualify for a refund as provided in this section. The total  
1711 amount of refunds that may be allocated by the office to all  
1712 applicants during the period beginning July 1, 2010, and ending  
1713 June 30, 2011, is \$19 million. The total amount of tax refunds  
1714 that may be allocated to all applicants during the period  
1715 beginning July 1, 2011, and ending June 30, 2012, is \$24  
1716 million. An applicant may not be allocated more than \$50,000 in  
1717 refunds under this section for a single year. Preliminary refund  
1718 allocations that are revoked or voluntarily surrendered shall be  
1719 immediately available for reallocation.

1720       (4) To receive a refund, a business entity must first  
1721 apply to the office for a tax refund allocation. The entity  
1722 shall provide such information in the application as reasonably  
1723 required by the office. Further, the business entity shall  
1724 provide such information as is required by the office to  
1725 establish the cost incurred and actual sales and use tax paid to  
1726 purchase eligible equipment located and placed into service in  
1727 this state during its taxable year that began in 2008.

1728       (a) Within 30 days after the office receives an  
1729 application for a refund, the office shall approve or disapprove  
1730 the application.

1731       (b) Refund allocations made during the 2010-2011 fiscal  
1732 year shall be awarded in the same order in which applications  
1733 are received. Eligible entities may apply to the office  
1734 beginning July 1, 2010 for refunds attributable to eligible

832405

4/28/2010 12:18 PM

Amendment No.

1735 equipment purchases made during the 2010-2011 fiscal year. For  
1736 the 2010-2011 fiscal year, the office shall allocate the maximum  
1737 amount of \$50,000 per entity until the entire \$19 million  
1738 available for refund in state fiscal year 2010-2011 has been  
1739 allocated. If the total amount available for allocation during  
1740 the 2010-2011 fiscal year is allocated, the office shall  
1741 continue taking applications. Each applicant shall be informed  
1742 of its place in the queue and whether the applicant received an  
1743 allocation of the eligible funds.

1744 (c) Refund allocations made during the 2011-2012 fiscal  
1745 year shall first be given to any applicants remaining in the  
1746 queue from the prior fiscal year. The office shall allocate the  
1747 maximum amount of \$50,000 per entity, first to those applicants  
1748 that remained in the queue from 2010-2011 for eligible purchases  
1749 in 2010-2011, then to applicants for 2011-2012 in the order  
1750 applications are received for eligible purchases in 2011-2012.  
1751 The office shall allocate the maximum amount of \$50,000 per  
1752 entity until the entire \$24 million available to be allocated  
1753 for refund in the 2011-2012 fiscal year is allocated. If the  
1754 total amount available for refund in 2011-2012 has been  
1755 allocated, the office shall continue to accept applications from  
1756 eligible entities in the 2011-2012 fiscal year for refunds  
1757 attributable to eligible equipment purchases made during the  
1758 2011-2012 fiscal year. Refund allocations made during the 2011-  
1759 2012 fiscal year shall be awarded in the same order in which  
1760 applications are received. Upon submitting an application, each  
1761 applicant shall be informed of its place in the queue and

832405

4/28/2010 12:18 PM



Amendment No.

1762 whether the applicant has received an allocation of the eligible  
1763 funds.

1764 (5) Upon completion of eligible equipment purchases, a  
1765 business entity that received a refund allocation from the  
1766 office must apply to the office for certification of a refund.  
1767 For eligible equipment purchases made during the 2010-2011  
1768 fiscal year, the application for certification must be made no  
1769 later than September 1, 2011. For eligible equipment purchases  
1770 made during the 2011-2012 fiscal year, the application for  
1771 certification must be made no later than September 1, 2012. The  
1772 application shall provide such documentation as is reasonably  
1773 required by the office to calculate the refund amount including  
1774 documentation necessary to confirm the cost of eligible  
1775 equipment purchases supporting the claim of the sales and use  
1776 tax paid thereon. Further, the business entity shall provide  
1777 such documentation as required by the office to establish the  
1778 entity's base year purchases. If, upon reviewing the  
1779 application, the office determines that eligible equipment  
1780 purchases did not occur, that the amount of tax claimed to have  
1781 been paid or remitted on the eligible equipment purchases is not  
1782 supported by the documentation provided, or that the information  
1783 provided to the office was otherwise inaccurate, the amount of  
1784 the refund allocation not substantiated shall not be certified.  
1785 Otherwise, the office shall determine and certify the amount of  
1786 the refund to the eligible entity and to the department within  
1787 30 days after the office receives the application for  
1788 certification.

832405

4/28/2010 12:18 PM

Amendment No.

1789 (6) Upon certification of a refund for an eligible entity,  
1790 the entity shall apply to the department within 30 days for  
1791 payment of the certified amount as a refund on a form prescribed  
1792 by the department. The department may request documentation in  
1793 support of the application and adopt emergency rules to  
1794 administer the refund application process.

1795 (7) For each of the 2010-2011 and 2011-2012 fiscal years,  
1796 if the amount certified is less than the amount allocated,  
1797 additional applicants shall be eligible to receive refund  
1798 allocations in the order that applications are received for that  
1799 year.

1800 (8) An entity may receive refunds in each of the two years  
1801 but only to the extent that the entity has eligible equipment  
1802 purchases in each year. In no event may refunds for eligible  
1803 equipment purchases made during 2010-11 result in more than  
1804 \$50,000 of refunds per entity.

1805 (9) The office shall adopt emergency rules governing  
1806 applications for, issuance of, and procedures for allocation and  
1807 certification and may establish guidelines as to the requisites  
1808 for an demonstrating base year purchases and eligible equipment  
1809 purchases.

1810 (10) This section is repealed July 1, 2013.

1811 Section 22. Subsection (3) of section 288.1088, Florida  
1812 Statutes, is amended, and subsections (4) and (5) are added to  
1813 that section, to read:

1814 288.1088 Quick Action Closing Fund.—

1815 (3) (a) Enterprise Florida, Inc., shall review applications  
1816 pursuant to s. 288.061 and determine the eligibility of each

832405

4/28/2010 12:18 PM

Amendment No.

1817 project consistent with the criteria in subsection (2).  
1818 Enterprise Florida, Inc., in consultation with the Office of  
1819 Tourism, Trade, and Economic Development, may waive these  
1820 criteria based on extraordinary circumstances or in rural areas  
1821 of critical economic concern if the project would significantly  
1822 benefit the local or regional economy.

1823 (b) Enterprise Florida, Inc., shall evaluate individual  
1824 proposals for high-impact business facilities and forward  
1825 recommendations regarding the use of moneys in the fund for such  
1826 facilities to the director of the Office of Tourism, Trade, and  
1827 Economic Development. Such evaluation and recommendation must  
1828 include, but need not be limited to:

1829 1. A description of the type of facility or  
1830 infrastructure, its operations, and the associated product or  
1831 service associated with the facility.

1832 2. The number of full-time-equivalent jobs that will be  
1833 created by the facility and the total estimated average annual  
1834 wages of those jobs or, in the case of privately developed rural  
1835 infrastructure, the types of business activities and jobs  
1836 stimulated by the investment.

1837 3. The cumulative amount of investment to be dedicated to  
1838 the facility within a specified period.

1839 4. A statement of any special impacts the facility is  
1840 expected to stimulate in a particular business sector in the  
1841 state or regional economy or in the state's universities and  
1842 community colleges.

1843 5. A statement of the role the incentive is expected to  
1844 play in the decision of the applicant business to locate or

832405

4/28/2010 12:18 PM

Amendment No.

1845 expand in this state or for the private investor to provide  
1846 critical rural infrastructure.

1847 6. A report evaluating the quality and value of the  
1848 company submitting a proposal. The report must include:

1849 a. A financial analysis of the company, including an  
1850 evaluation of the company's short-term liquidity ratio as  
1851 measured by its assets to liability, the company's profitability  
1852 ratio, and the company's long-term solvency as measured by its  
1853 debt-to-equity ratio;

1854 b. The historical market performance of the company;

1855 c. A review of any independent evaluations of the company;

1856 d. A review of the latest audit of the company's financial  
1857 statement and the related auditor's management letter; and

1858 e. A review of any other types of audits that are related  
1859 to the internal and management controls of the company.

1860 ~~(c)-(b)~~ Within 22 calendar days after receiving the  
1861 evaluation and recommendation from Enterprise Florida, Inc., the  
1862 director of the Office of Tourism, Trade, and Economic  
1863 Development shall recommend to the Governor approval or  
1864 disapproval of a project for receipt of funds from the Quick  
1865 Action Closing Fund. In recommending a project, the director  
1866 shall include proposed performance conditions that the project  
1867 must meet to obtain incentive funds. The Governor shall provide  
1868 the evaluation of projects recommended for approval to the  
1869 President of the Senate and the Speaker of the House of  
1870 Representatives and consult with the President of the Senate and  
1871 the Speaker of the House of Representatives before giving final  
1872 approval for a project. At least 14 days before releasing funds

832405

4/28/2010 12:18 PM

Amendment No.

1873 for a project, the Executive Office of the Governor shall  
1874 recommend approval of the a project and the release of funds by  
1875 delivering notice of such action pursuant to the legislative  
1876 consultation and review requirements set forth in s. 216.177.  
1877 The recommendation must include proposed performance conditions  
1878 that the project must meet in order to obtain funds. If the  
1879 chair or vice-chair of the Legislative Budget Commission or the  
1880 President of the Senate or the Speaker of the House of  
1881 Representatives timely advises the Executive Office of the  
1882 Governor, in writing, that such action or proposed action  
1883 exceeds the delegated authority of the Executive Office of the  
1884 Governor or is contrary to legislative policy or intent, the  
1885 Executive Office of the Governor shall void the release of funds  
1886 and instruct the Office of Tourism, Trade, and Economic  
1887 Development to immediately change such action or proposed action  
1888 until the Legislative Budget Commission or the Legislature  
1889 addresses the issue. Notwithstanding such requirement, any  
1890 project exceeding \$2,000,000 must be approved by the Legislative  
1891 Budget Commission prior to the funds being released.

1892 ~~(d)-(e)~~ Upon the approval of the Governor, the director of  
1893 the Office of Tourism, Trade, and Economic Development and the  
1894 business shall enter into a contract that sets forth the  
1895 conditions for payment of moneys from the fund. The contract  
1896 must include the total amount of funds awarded; the performance  
1897 conditions that must be met to obtain the award, including, but  
1898 not limited to, net new employment in the state, average salary,  
1899 and total capital investment; demonstrate a baseline of current  
1900 service and a measure of enhanced capability; the methodology

832405

4/28/2010 12:18 PM

Amendment No.

1901 for validating performance; the schedule of payments from the  
1902 fund; and sanctions for failure to meet performance conditions.  
1903 The contract must provide that payment of moneys from the fund  
1904 is contingent upon sufficient appropriation of funds by the  
1905 Legislature ~~and upon sufficient release of appropriated funds by~~  
1906 ~~the Legislative Budget Commission.~~

1907 (e)(d) Enterprise Florida, Inc., shall validate contractor  
1908 performance. Such validation shall be reported within 6 months  
1909 after completion of the contract to the Governor, President of  
1910 the Senate, and the Speaker of the House of Representatives.

1911 (4) (a) A Quick Action Closing Fund business that, pursuant  
1912 to its contract, submits reports to the Office of Tourism,  
1913 Trade, and Economic Development on or after January 1, 2010, but  
1914 no later than June 30, 2011, on the status of the business's  
1915 compliance with the performance conditions of its contract may  
1916 submit a written request to the Office of Tourism, Trade, and  
1917 Economic Development for renegotiation of the contract. The  
1918 request must provide quantitative evidence demonstrating how the  
1919 business has materially complied with the terms of the contract  
1920 or how negative economic conditions in the business's industry  
1921 have prevented the business from complying with the terms and  
1922 conditions of the contract. The request must also include  
1923 proposed adjusted performance conditions.

1924 (b) Within 45 days after receiving a Quick Action Closing  
1925 Fund business's request to renegotiate its contract, the  
1926 director of the Office of Tourism, Trade, and Economic  
1927 Development must provide written notice to the business of  
1928 whether the request for renegotiation is granted or denied. In

832405

4/28/2010 12:18 PM

Amendment No.

1929 making such a determination, the director shall consider the  
1930 extent to which the business materially complied with the terms  
1931 of the contract, the extent to which negative economic  
1932 conditions in the business's industry occurred in the state, the  
1933 proposed adjusted performance conditions, and the business's  
1934 efforts to comply with the contract.

1935 (c) Under no circumstances is the director of the Office  
1936 of Tourism, Trade, and Economic Development required or  
1937 obligated to grant a business' request to renegotiate its  
1938 agreement.

1939 (d) Upon granting a business's request to renegotiate, the  
1940 Office of Tourism, Trade, and Economic Development, together  
1941 with Enterprise Florida, Inc., shall determine the economic  
1942 impact of the adjusted performance conditions and notify the  
1943 business of any waiver of specified performance conditions and  
1944 any adjusted award amount associated with the proposed adjusted  
1945 performance conditions. The Quick Action Closing Fund business  
1946 must renegotiate its contract with the Office of Tourism, Trade,  
1947 and Economic Development in accordance with any waiver granted  
1948 or for the adjusted amount and agree to return the difference  
1949 between the original Quick Action Closing Fund award and the  
1950 adjusted award without interest or penalties. When renegotiating  
1951 a contract with a Quick Action Closing Fund business, the Office  
1952 of Tourism, Trade, and Economic Development may extend the  
1953 duration of the contract for a period not to exceed 2 years. The  
1954 Office of Tourism, Trade, and Economic Development shall notify  
1955 the President of the Senate and the Speaker of the House of  
1956 Representatives upon completion of any contract renegotiation.

832405

4/28/2010 12:18 PM

Amendment No.

1957 Any funds returned pursuant to this paragraph shall be  
1958 reappropriated to the Office of Tourism, Trade, and Economic  
1959 Development for the Quick Action Closing Fund.

1960 (e) This subsection expires June 30, 2011.

1961 (5) Funds appropriated by the Legislature for purposes of  
1962 implementing this section shall be placed in reserve and may  
1963 only be released pursuant to the legislative consultation and  
1964 review requirements set forth in this section.

1965 Section 23. Paragraph (k) of subsection (2) of section  
1966 288.1089, Florida Statutes, is amended to read:

1967 288.1089 Innovation Incentive Program.—

1968 (2) As used in this section, the term:

1969 (k) "Jobs" means full-time equivalent positions,  
1970 including, but not limited to, positions obtained from a  
1971 temporary employment agency or employee leasing company or  
1972 through a union agreement or coemployment under a professional  
1973 employer organization agreement, that result as that term is  
1974 consistent with terms used by the Agency for Workforce  
1975 Innovation and the United States Department of Labor for  
1976 purposes of unemployment compensation tax administration and  
1977 employment estimation, resulting directly from a project in this  
1978 state. The term does not include temporary construction jobs.

1979 Section 24. Effective July 1, 2010, section 288.125,  
1980 Florida Statutes, is amended to read:

1981 288.125 Definition of "entertainment industry".—For the  
1982 purposes of ss. 288.1251-288.1258, the term "entertainment  
1983 industry" means those persons or entities engaged in the  
1984 operation of motion picture or television studios or recording

832405

4/28/2010 12:18 PM



Amendment No.

1985 studios; those persons or entities engaged in the preproduction,  
1986 production, or postproduction of motion pictures, made-for-  
1987 television movies, television programming, digital media  
1988 projects, commercial advertising, music videos, or sound  
1989 recordings; and those persons or entities providing products or  
1990 services directly related to the preproduction, production, or  
1991 postproduction of motion pictures, made-for-television movies,  
1992 television programming, digital media projects, commercial  
1993 advertising, music videos, or sound recordings, including, but  
1994 not limited to, the broadcast industry.

1995 Section 25. Effective July 1, 2010, paragraph (b) of  
1996 subsection (1) and paragraph (a) of subsection (2) of section  
1997 288.1251, Florida Statutes, are amended to read:

1998 288.1251 Promotion and development of entertainment  
1999 industry; Office of Film and Entertainment; creation; purpose;  
2000 powers and duties.—

2001 (1) CREATION.—

2002 (b) The Office of Tourism, Trade, and Economic Development  
2003 shall conduct a national search for a qualified person to fill  
2004 the position of Commissioner of Film and Entertainment, when the  
2005 position is vacant. ~~and The Executive Director of the Office of~~  
2006 ~~Tourism, Trade, and Economic Development~~ has the responsibility  
2007 to shall hire the commissioner ~~of Film and Entertainment.~~  
2008 Qualifications for the commissioner ~~Guidelines for selection of~~  
2009 ~~the Commissioner of Film and Entertainment shall~~ include, but  
2010 are not be limited to, ~~the Commissioner of Film and~~  
2011 ~~Entertainment having~~ the following:

832405  
4/28/2010 12:18 PM

Amendment No.

2012 1. A working knowledge of the equipment, personnel,  
2013 financial, and day-to-day production operations of the  
2014 industries to be served by the Office of Film and Entertainment;

2015 2. Marketing and promotion experience related to the film  
2016 and entertainment industries to be served ~~by the office~~;

2017 3. Experience working with a variety of individuals  
2018 representing large and small entertainment-related businesses,  
2019 industry associations, local community entertainment industry  
2020 liaisons, and labor organizations; and

2021 4. Experience working with a variety of state and local  
2022 governmental agencies.

2023 (2) POWERS AND DUTIES.—

2024 (a) The Office of Film and Entertainment, in performance  
2025 of its duties, shall:

2026 1. In consultation with the Florida Film and Entertainment  
2027 Advisory Council, update the ~~develop and implement a 5-year~~  
2028 strategic plan every 5 years to guide the activities of the  
2029 Office of Film and Entertainment in the areas of entertainment  
2030 industry development, marketing, promotion, liaison services,  
2031 field office administration, and information. The plan, ~~to be~~  
2032 ~~developed by no later than June 30, 2000,~~ shall:

2033 a. Be annual in construction and ongoing in nature.

2034 b. Include recommendations relating to the organizational  
2035 structure of the office.

2036 c. Include an annual budget projection for the office for  
2037 each year of the plan.

2038 d. Include an operational model for the office to use in  
2039 implementing programs for rural and urban areas designed to:

832405

4/28/2010 12:18 PM

Amendment No.

2040 (I) Develop and promote the state's entertainment  
2041 industry.

2042 (II) Have the office serve as a liaison between the  
2043 entertainment industry and other state and local governmental  
2044 agencies, local film commissions, and labor organizations.

2045 (III) Gather statistical information related to the  
2046 state's entertainment industry.

2047 (IV) Provide information and service to businesses,  
2048 communities, organizations, and individuals engaged in  
2049 entertainment industry activities.

2050 (V) Administer field offices outside the state and  
2051 coordinate with regional offices maintained by counties and  
2052 regions of the state, as described in sub-sub-subparagraph (II),  
2053 as necessary.

2054 e. Include performance standards and measurable outcomes  
2055 for the programs to be implemented by the office.

2056 f. Include an assessment of, and make recommendations on,  
2057 the feasibility of creating an alternative public-private  
2058 partnership for the purpose of contracting with such a  
2059 partnership for the administration of the state's entertainment  
2060 industry promotion, development, marketing, and service  
2061 programs.

2062 2. Develop, market, and facilitate a ~~smooth~~ working  
2063 relationship between state agencies and local governments in  
2064 cooperation with local film commission offices for out-of-state  
2065 and indigenous entertainment industry production entities.

832405

4/28/2010 12:18 PM

Amendment No.

2066 3. Implement a structured methodology prescribed for  
2067 coordinating activities of local offices with each other and the  
2068 commissioner's office.

2069 4. Represent the state's indigenous entertainment industry  
2070 to key decisionmakers within the national and international  
2071 entertainment industry, and to state and local officials.

2072 5. Prepare an inventory and analysis of the state's  
2073 entertainment industry, including, but not limited to,  
2074 information on crew, related businesses, support services, job  
2075 creation, talent, and economic impact and coordinate with local  
2076 offices to develop an information tool for common use.

2077 ~~6. Represent key decisionmakers within the national and~~  
2078 ~~international entertainment industry to the indigenous~~  
2079 ~~entertainment industry and to state and local officials.~~

2080 ~~7. Serve as liaison between entertainment industry~~  
2081 ~~producers and labor organizations.~~

2082 ~~6.8.~~ Identify, solicit, and recruit entertainment  
2083 production opportunities for the state.

2084 ~~7.9.~~ Assist rural communities and other small communities  
2085 in the state in developing the expertise and capacity necessary  
2086 for such communities to develop, market, promote, and provide  
2087 services to the state's entertainment industry.

2088 Section 26. Effective July 1, 2010, subsection (3) of  
2089 section 288.1252, Florida Statutes, is amended to read:

2090 288.1252 Florida Film and Entertainment Advisory Council;  
2091 creation; purpose; membership; powers and duties.—

2092 (3) MEMBERSHIP.—

832405  
4/28/2010 12:18 PM

Amendment No.

2093 (a) The council shall consist of 17 members, seven to be  
2094 appointed by the Governor, five to be appointed by the President  
2095 of the Senate, and five to be appointed by the Speaker of the  
2096 House of Representatives, ~~with the initial appointments being~~  
2097 ~~made no later than August 1, 1999.~~

2098 (b) When making appointments to the council, the Governor,  
2099 the President of the Senate, and the Speaker of the House of  
2100 Representatives shall appoint persons who are residents of the  
2101 state and who are highly knowledgeable of, active in, and  
2102 recognized leaders in Florida's motion picture, television,  
2103 video, sound recording, or other entertainment industries. These  
2104 persons shall include, but not be limited to, representatives of  
2105 local film commissions, representatives of entertainment  
2106 associations, a representative of the broadcast industry,  
2107 representatives of labor organizations in the entertainment  
2108 industry, and board chairs, presidents, chief executive  
2109 officers, chief operating officers, or persons of comparable  
2110 executive position or stature of leading or otherwise important  
2111 entertainment industry businesses and offices. Council members  
2112 shall be appointed in such a manner as to equitably represent  
2113 the broadest spectrum of the entertainment industry and  
2114 geographic areas of the state.

2115 (c) Council members shall serve for 4-year terms, ~~except~~  
2116 ~~that the initial terms shall be staggered:~~

2117 ~~1. The Governor shall appoint one member for a 1-year~~  
2118 ~~term, two members for 2-year terms, two members for 3-year~~  
2119 ~~terms, and two members for 4-year terms.~~

832405  
4/28/2010 12:18 PM

Amendment No.

2120 ~~2. The President of the Senate shall appoint one member~~  
2121 ~~for a 1-year term, one member for a 2-year term, two members for~~  
2122 ~~3-year terms, and one member for a 4-year term.~~

2123 ~~3. The Speaker of the House of Representatives shall~~  
2124 ~~appoint one member for a 1-year term, one member for a 2-year~~  
2125 ~~term, two members for 3-year terms, and one member for a 4-year~~  
2126 ~~term.~~

2127 (d) Subsequent appointments shall be made by the official  
2128 who appointed the council member whose expired term is to be  
2129 filled.

2130 (e) ~~The Commissioner of Film and Entertainment, A~~  
2131 ~~representative of Enterprise Florida, Inc., a representative of~~  
2132 ~~Workforce Florida, Inc., and a representative of Visit Florida~~  
2133 ~~the Florida Tourism Industry Marketing Corporation shall serve~~  
2134 ~~as ex officio, nonvoting members of the council, and shall be in~~  
2135 ~~addition to the 17 appointed members of the council.~~

2136 (f) Absence from three consecutive meetings shall result  
2137 in automatic removal from the council.

2138 (g) A vacancy on the council shall be filled for the  
2139 remainder of the unexpired term by the official who appointed  
2140 the vacating member.

2141 (h) No more than one member of the council may be an  
2142 employee of any one company, organization, or association.

2143 (i) Any member shall be eligible for reappointment but may  
2144 not serve more than two consecutive terms.

2145 Section 27. Effective July 1, 2010, subsections (1), (2),  
2146 and (5) of section 288.1253, Florida Statutes, are amended to  
2147 read:

832405

4/28/2010 12:18 PM

Amendment No.

288.1253 Travel and entertainment expenses.—

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

~~(a) "Business client" means any person, other than a state official or state employee, who receives the services of representatives of the Office of Film and Entertainment in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.~~

~~(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.~~

~~(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the Office of Film and Entertainment in connection with the performance of its statutory duties.~~

~~(d) "travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment a traveler, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.~~

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt

832405  
4/28/2010 12:18 PM

Amendment No.

2176 rules by which it may make expenditures by ~~advancement or~~  
2177 reimbursement, ~~or a combination thereof~~, to:

2178 ~~(a) the Governor, the Lieutenant Governor, security staff~~  
2179 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~  
2180 ~~and Entertainment, or staff of the Office of Film and~~  
2181 ~~Entertainment for travel expenses or entertainment expenses~~  
2182 ~~incurred by such individuals solely and exclusively in~~  
2183 ~~connection with the performance of the statutory duties of the~~  
2184 ~~Office of Film and Entertainment.~~

2185 ~~(b) The Governor, the Lieutenant Governor, security staff~~  
2186 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~  
2187 ~~and Entertainment, or staff of the Office of Film and~~  
2188 ~~Entertainment for travel expenses or entertainment expenses~~  
2189 ~~incurred by such individuals on behalf of guests, business~~  
2190 ~~clients, or authorized persons as defined in s. 112.061(2)(c)~~  
2191 ~~solely and exclusively in connection with the performance of the~~  
2192 ~~statutory duties of the Office of Film and Entertainment.~~

2193 ~~(c) Third party vendors for the travel or entertainment~~  
2194 ~~expenses of guests, business clients, or authorized persons as~~  
2195 ~~defined in s. 112.061(2)(c) incurred solely and exclusively~~  
2196 ~~while such persons are participating in activities or events~~  
2197 ~~carried out by the Office of Film and Entertainment in~~  
2198 ~~connection with that office's statutory duties.~~

2199  
2200 The rules are ~~shall be~~ subject to approval by the Chief  
2201 Financial Officer before adoption ~~prior to promulgation~~. The  
2202 rules shall require the submission of paid receipts, or other  
2203 proof of expenditure prescribed by the Chief Financial Officer,

832405

4/28/2010 12:18 PM



Amendment No.

2204 with any claim for reimbursement and shall require, as a  
2205 condition for any advancement of funds, an agreement to submit  
2206 paid receipts or other proof of expenditure and to refund any  
2207 unused portion of the advancement within 15 days after the  
2208 expense is incurred or, if the advancement is made in connection  
2209 with travel, within 10 working days after the traveler's return  
2210 to headquarters. However, with respect to an advancement of  
2211 funds made solely for travel expenses, the rules may allow paid  
2212 receipts or other proof of expenditure to be submitted, and any  
2213 unused portion of the advancement to be refunded, within 10  
2214 working days after the traveler's return to headquarters.  
2215 Operational or promotional advancements, as defined in s.  
2216 288.35(4), obtained pursuant to this section shall not be  
2217 commingled with any other state funds.

2218 (5) Any claim submitted under this section ~~is~~ shall not be  
2219 required to be sworn to before a notary public or other officer  
2220 authorized to administer oaths, but any claim authorized or  
2221 required to be made under any provision of this section shall  
2222 contain a statement that the expenses were actually incurred as  
2223 necessary travel or entertainment expenses in the performance of  
2224 official duties of the Office of Film and Entertainment and  
2225 shall be verified by written declaration that it is true and  
2226 correct as to every material matter. Any person who willfully  
2227 makes and subscribes to any claim which he or she does not  
2228 believe to be true and correct as to every material matter or  
2229 who willfully aids or assists in, procures, or counsels or  
2230 advises with respect to, the preparation or presentation of a  
2231 claim pursuant to this section that is fraudulent or false as to

832405

4/28/2010 12:18 PM

Amendment No.

2232 any material matter, whether ~~or not~~ such falsity or fraud is  
2233 with the knowledge or consent of the person authorized or  
2234 required to present the claim, commits a misdemeanor of the  
2235 second degree, punishable as provided in s. 775.082 or s.  
2236 775.083. Whoever receives a ~~an advancement or~~ reimbursement by  
2237 means of a false claim is civilly liable, in the amount of the  
2238 overpayment, for the reimbursement of the public fund from which  
2239 the claim was paid.

2240 Section 28. Effective July 1, 2010, section 288.1254,  
2241 Florida Statutes, is amended to read:

2242 (Substantial rewording of section. See  
2243 s. 288.1254, F.S., for present text.)

2244 288.1254 Entertainment industry financial incentive  
2245 program.-

2246 (1) DEFINITIONS.-As used in this section, the term:

2247 (a) "Certified production" means a qualified production  
2248 that has tax credits allocated to it by the Office of Tourism,  
2249 Trade, and Economic Development based on the production's  
2250 estimated qualified expenditures, up to the production's maximum  
2251 certified amount of tax credits, by the Office of Tourism,  
2252 Trade, and Economic Development. The term does not include a  
2253 production if its first day of principal photography or project  
2254 start date in this state occurs before the production is  
2255 certified by the Office of Tourism, Trade, and Economic  
2256 Development, unless the production spans more than one fiscal  
2257 year, was a certified production on its first day of principal  
2258 photography or project start date in this state, and submits an

832405

4/28/2010 12:18 PM

Amendment No.

2259 application for continuing the same production for the  
2260 subsequent fiscal year.

2261 (b) "Digital media project" means a production of  
2262 interactive entertainment that is produced for distribution in  
2263 commercial or educational markets. The term includes a video  
2264 game or production intended for Internet or wireless  
2265 distribution. The term does not include a production deemed by  
2266 the Office of Film and Entertainment to contain obscene content  
2267 as defined in s. 847.001(10).

2268 (c) "High-impact television series" means a production  
2269 created to run multiple production seasons and having an  
2270 estimated order of at least seven episodes per season and  
2271 qualified expenditures of at least \$625,000 per episode.

2272 (d) "Off-season certified production" means a feature  
2273 film, independent film, or television series or pilot which  
2274 films 75 percent or more of its principal photography days from  
2275 June 1 through November 30.

2276 (e) "Principal photography" means the filming of major or  
2277 significant components of the qualified production which involve  
2278 lead actors.

2279 (f) "Production" means a theatrical or direct-to-video  
2280 motion picture; a made-for-television motion picture; visual  
2281 effects or digital animation sequences produced in conjunction  
2282 with a motion picture; a commercial; a music video; an  
2283 industrial or educational film; an infomercial; a documentary  
2284 film; a television pilot program; a presentation for a  
2285 television pilot program; a television series, including, but  
2286 not limited to, a drama, a reality show, a comedy, a soap opera,

832405

4/28/2010 12:18 PM

Amendment No.

2287 a telenovela, a game show, an awards show, or a miniseries  
2288 production; or a digital media project by the entertainment  
2289 industry. One season of a television series is considered one  
2290 production. The term does not include a weather or market  
2291 program; a sporting event; a sports show; a gala; a production  
2292 that solicits funds; a home shopping program; a political  
2293 program; a political documentary; political advertising; a  
2294 gambling-related project or production; a concert production; or  
2295 a local, regional, or Internet-distributed-only news show,  
2296 current-events show, pornographic production, or current-affairs  
2297 show. A production may be produced on or by film, tape, or  
2298 otherwise by means of a motion picture camera; electronic camera  
2299 or device; tape device; computer; any combination of the  
2300 foregoing; or any other means, method, or device.

2301 (g) "Production expenditures" means the costs of tangible  
2302 and intangible property used for, and services performed  
2303 primarily and customarily in, production, including  
2304 preproduction and postproduction, but excluding costs for  
2305 development, marketing, and distribution. The term includes, but  
2306 is not limited to:

2307 1. Wages, salaries, or other compensation paid to legal  
2308 residents of this state, including amounts paid through payroll  
2309 service companies, for technical and production crews,  
2310 directors, producers, and performers.

2311 2. Net expenditures for sound stages, backlots, production  
2312 editing, digital effects, sound recordings, sets, and set  
2313 construction.

832405

4/28/2010 12:18 PM

Amendment No.

2314 3. Net expenditures for rental equipment, including, but  
2315 not limited to, cameras and grip or electrical equipment.

2316 4. Up to \$300,000 of the costs of newly purchased computer  
2317 software and hardware unique to the project, including servers,  
2318 data processing, and visualization technologies, which are  
2319 located in and used exclusively in the state for the production  
2320 of digital media.

2321 5. Expenditures for meals, travel, and accommodations. For  
2322 purposes of this paragraph, the term "net expenditures" means  
2323 the actual amount of money a qualified production spent for  
2324 equipment or other tangible personal property, after subtracting  
2325 any consideration received for reselling or transferring the  
2326 item after the qualified production ends, if applicable.

2327 (h) "Qualified expenditures" means production expenditures  
2328 incurred in this state by a qualified production for:

2329 1. Goods purchased or leased from, or services, including,  
2330 but not limited to, insurance costs and bonding, payroll  
2331 services, and legal fees, which are provided by, a vendor or  
2332 supplier in this state that is registered with the Department of  
2333 State or the Department of Revenue, has a physical location in  
2334 this state, and employs one or more legal residents of this  
2335 state. When services are provided by the vendor or supplier  
2336 include personal services or labor, only personal services or  
2337 labor provided by residents of this state, evidenced by the  
2338 required documentation of residency in this state, qualify.

2339 2. Payments to legal residents of this state in the form  
2340 of salary, wages, or other compensation up to a maximum of  
2341 \$400,000 per resident unless otherwise specified in subsection

832405

4/28/2010 12:18 PM

Amendment No.

2342 (4). A completed declaration of residency in this state must  
2343 accompany the documentation submitted to the office for  
2344 reimbursement.

2345  
2346 For a qualified production involving an event, such as an awards  
2347 show, the term does not include expenditures solely associated  
2348 with the event itself and not directly required by the  
2349 production. The term does not include expenditures incurred  
2350 before certification, with the exception of those incurred for a  
2351 commercial, a music video, or the pickup of additional episodes  
2352 of a high-impact television series within a single season. Under  
2353 no circumstances may the qualified production include in the  
2354 calculation for qualified expenditures the original purchase  
2355 price for equipment or other tangible property that is later  
2356 sold or transferred by the qualified production for  
2357 consideration. In such cases, the qualified expenditure is the  
2358 net of the original purchase price minus the consideration  
2359 received upon sale or transfer.

2360 (i) "Qualified production" means a production in this  
2361 state meeting the requirements of this section. The term does  
2362 not include a production:

2363 1. In which, for the first 2 years of the incentive  
2364 program, less than 50 percent, and thereafter, less than 60  
2365 percent, of the positions that make up its production cast and  
2366 below-the-line production crew, or, in the case of digital media  
2367 projects, less than 75 percent of such positions, are filled by  
2368 legal residents of this state, whose residency is demonstrated  
2369 by a valid Florida driver's license or other state-issued

832405

4/28/2010 12:18 PM

Amendment No.

2370 identification confirming residency, or students enrolled full-  
2371 time in a film-and-entertainment-related course of study at an  
2372 institution of higher education in this state; or

2373 2. That is deemed by the Office of Film and Entertainment  
2374 to contain obscene content as defined in s. 847.001(10).

2375 (j) "Qualified production company" means a corporation,  
2376 limited liability company, partnership, or other legal entity  
2377 engaged in one or more productions in this state.

2378 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment  
2379 industry financial incentive program is created within the  
2380 Office of Film and Entertainment. The purpose of this program is  
2381 to encourage the use of this state as a site for filming, for  
2382 the digital production of films, and to develop and sustain the  
2383 workforce and infrastructure for film, digital media, and  
2384 entertainment production.

2385 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2386 (a) Program application.—A qualified production company  
2387 producing a qualified production in this state may submit a  
2388 program application to the Office of Film and Entertainment for  
2389 the purpose of determining qualification for an award of tax  
2390 credits authorized by this section no earlier than 180 days  
2391 before the first day of principal photography or project start  
2392 date in this state. The applicant shall provide the Office of  
2393 Film and Entertainment with information required to determine  
2394 whether the production is a qualified production and to  
2395 determine the qualified expenditures and other information  
2396 necessary for the office to determine eligibility for the tax  
2397 credit.

832405

4/28/2010 12:18 PM

Amendment No.

2398       (b) Required documentation.—The Office of Film and  
2399 Entertainment shall develop an application form for qualifying  
2400 an applicant as a qualified production. The form must include,  
2401 but need not be limited to, production-related information  
2402 concerning employment of residents in this state, a detailed  
2403 budget of planned qualified expenditures, and the applicant's  
2404 signed affirmation that the information on the form has been  
2405 verified and is correct. The Office of Film and Entertainment  
2406 and local film commissions shall distribute the form.

2407       (c) Application process.—The Office of Film and  
2408 Entertainment shall establish a process by which an application  
2409 is accepted and reviewed and by which tax credit eligibility and  
2410 award amount are determined. The Office of Film and  
2411 Entertainment may request assistance from a duly appointed local  
2412 film commission in determining compliance with this section.

2413       (d) Certification.—The Office of Film and Entertainment  
2414 shall review the application within 15 business days after  
2415 receipt. Upon its determination that the application contains  
2416 all the information required by this subsection and meets the  
2417 criteria set out in this section, the Office of Film and  
2418 Entertainment shall qualify the applicant and recommend to the  
2419 Office of Tourism, Trade, and Economic Development that the  
2420 applicant be certified for the maximum tax credit award amount.  
2421 Within 5 business days after receipt of the recommendation, the  
2422 Office of Tourism, Trade, and Economic Development shall reject  
2423 the recommendation or certify the maximum recommended tax credit  
2424 award, if any, to the applicant and to the executive director of  
2425 the Department of Revenue.

832405

4/28/2010 12:18 PM



Amendment No.

2426 (e) Grounds for denial.—The Office of Film and  
2427 Entertainment shall deny an application if it determines that  
2428 the application is not complete or the production or application  
2429 does not meet the requirements of this section.

2430 (f) Verification of actual qualified expenditures.—

2431 1. The Office of Film and Entertainment shall develop a  
2432 process to verify the actual qualified expenditures of a  
2433 certified production. The process must require:

2434 a. A certified production to submit, in a timely manner  
2435 after production ends in this state and after making all of its  
2436 qualified expenditures in this state, data substantiating each  
2437 qualified expenditure, including documentation on the net  
2438 expenditure on equipment and other tangible personal property by  
2439 the qualified production, to an independent certified public  
2440 accountant licensed in this state;

2441 b. Such accountant to conduct a compliance audit, at the  
2442 certified production's expense, to substantiate each qualified  
2443 expenditure and submit the results as a report, along with the  
2444 required substantiating data, to the Office of Film and  
2445 Entertainment; and

2446 c. The Office of Film and Entertainment to review the  
2447 accountant's submittal and report to the Office of Tourism,  
2448 Trade, and Economic Development the final verified amount of  
2449 actual qualified expenditures made by the certified production.

2450 2. The Office of Tourism, Trade, and Economic Development  
2451 shall determine and approve the final tax credit award amount to  
2452 each certified applicant based on the final verified amount of  
2453 actual qualified expenditures and shall notify the executive

832405

4/28/2010 12:18 PM

Amendment No.

2454 director of the Department of Revenue in writing that the  
2455 certified production has met the requirements of the incentive  
2456 program and of the final amount of the tax credit award. The  
2457 final tax credit award amount may not exceed the maximum tax  
2458 credit award amount certified under paragraph (d).

2459 (g) Promoting Florida.—The Office of Film and  
2460 Entertainment shall ensure that, as a condition of receiving a  
2461 tax credit under this section, marketing materials promoting  
2462 this state as a tourist destination or film and entertainment  
2463 production destination are included, when appropriate, at no  
2464 cost to the state, which must, at a minimum, include placement  
2465 of a "Filmed in Florida" or "Produced in Florida" logo in the  
2466 end credits. The placement of a "Filmed in Florida" or "Produced  
2467 in Florida" logo on all packaging material and hard media is  
2468 also required, unless such placement is prohibited by licensing  
2469 or other contractual obligations. The size and placement of such  
2470 logo shall be commensurate to other logos used. If no logos are  
2471 used, the statement "Filmed in Florida using Florida's  
2472 Entertainment Industry Financial Incentive," or a similar  
2473 statement approved by the Office of Film and Entertainment,  
2474 shall be used. The Office of Film and Entertainment shall  
2475 provide a logo and supply it for the purposes specified in this  
2476 paragraph. A 30-second "Visit Florida" promotional video must  
2477 also be included on all optical disc formats of a film, unless  
2478 such placement is prohibited by licensing or other contractual  
2479 obligations. The 30-second promotional video shall be approved  
2480 and provided by the Florida Tourism Industry Marketing

832405

4/28/2010 12:18 PM

Amendment No.

2481 Corporation in consultation with the Commissioner of Film and  
2482 Entertainment.

2483 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
2484 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
2485 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
2486 ACQUISITIONS.-

2487 (a) Priority for tax credit award.-The priority of a  
2488 qualified production for tax credit awards must be determined on  
2489 a first-come, first-served basis within its appropriate queue.  
2490 Each qualified production must be placed into the appropriate  
2491 queue and is subject to the requirements of that queue.

2492 (b) Tax credit eligibility.-

2493 1. General production queue.-Ninety-four percent of tax  
2494 credits authorized pursuant to subsection (6) in any state  
2495 fiscal year must be dedicated to the general production queue.  
2496 The general production queue consists of all qualified  
2497 productions other than those eligible for the commercial and  
2498 music video queue or the independent and emerging media  
2499 production queue. A qualified production that demonstrates a  
2500 minimum of \$625,000 in qualified expenditures is eligible for  
2501 tax credits equal to 20 percent of its actual qualified  
2502 expenditures, up to a maximum of \$8 million. A qualified  
2503 production that incurs qualified expenditures during multiple  
2504 state fiscal years may combine those expenditures to satisfy the  
2505 \$625,000 minimum threshold.

2506 a. An off-season certified production that is a feature  
2507 film, independent film, or television series or pilot is  
2508 eligible for an additional 5-percent tax credit on actual

832405

4/28/2010 12:18 PM

Amendment No.

2509 qualified expenditures. An off-season certified production that  
2510 does not complete 75 percent of principal photography due to a  
2511 disruption caused by a hurricane or tropical storm may not be  
2512 disqualified from eligibility for the additional 5-percent  
2513 credit as a result of the disruption.

2514 b. A qualified high-impact television series shall be  
2515 allowed first position in this queue for tax credit awards not  
2516 yet certified.

2517 2. Commercial and music video queue.—Three percent of tax  
2518 credits authorized pursuant to subsection (6) in any state  
2519 fiscal year must be dedicated to the commercial and music video  
2520 queue. A qualified production company that produces national or  
2521 regional commercials or music videos may be eligible for a tax  
2522 credit award if it demonstrates a minimum of \$100,000 in  
2523 qualified expenditures per national or regional commercial or  
2524 music video and exceeds a combined threshold of \$500,000 after  
2525 combining actual qualified expenditures from qualified  
2526 commercials and music videos during a single state fiscal year.  
2527 After a qualified production company that produces commercials,  
2528 music videos, or both reaches the threshold of \$500,000, it is  
2529 eligible to apply for certification for a tax credit award. The  
2530 maximum credit award shall be equal to 20 percent of its actual  
2531 qualified expenditures up to a maximum of \$500,000. If there is  
2532 a surplus at the end of a fiscal year after the Office of Film  
2533 and Entertainment certifies and determines the tax credits for  
2534 all qualified commercial and video projects, such surplus tax  
2535 credits shall be carried forward to the following fiscal year

832405

4/28/2010 12:18 PM

Amendment No.

2536 and be available to any eligible qualified productions under the  
2537 general production queue.

2538 3. Independent and emerging media production queue.—Three  
2539 percent of tax credits authorized pursuant to subsection (6) in  
2540 any state fiscal year must be dedicated to the independent and  
2541 emerging media production queue. This queue is intended to  
2542 encourage Florida independent film and emerging media  
2543 production. Any qualified production, excluding commercials,  
2544 infomercials, or music videos, that demonstrates at least  
2545 \$100,000, but not more than \$625,000, in total qualified  
2546 expenditures is eligible for tax credits equal to 20 percent of  
2547 its actual qualified expenditures. If a surplus exists at the  
2548 end of a fiscal year after the Office of Film and Entertainment  
2549 certifies and determines the tax credits for all qualified  
2550 independent and emerging media production projects, such surplus  
2551 tax credits shall be carried forward to the following fiscal  
2552 year and be available to any eligible qualified productions  
2553 under the general production queue.

2554 4. Family-friendly productions.—A certified theatrical or  
2555 direct-to-video motion picture production or video game  
2556 determined by the Commissioner of Film and Entertainment, with  
2557 the advice of the Florida Film and Entertainment Advisory  
2558 Council, to be family-friendly, based on the review of the  
2559 script and the review of the final release version, is eligible  
2560 for an additional tax credit equal to 5 percent of its actual  
2561 qualified expenditures. Family-friendly productions are those  
2562 that have cross-generational appeal; would be considered  
2563 suitable for viewing by children age 5 or older; are appropriate

832405

4/28/2010 12:18 PM

Amendment No.

2564 in theme, content, and language for a broad family audience;  
2565 embody a responsible resolution of issues; and do not exhibit or  
2566 imply any act of smoking, sex, nudity, or vulgar or profane  
2567 language.

2568 (c) Withdrawal of tax credit eligibility.—A qualified or  
2569 certified production must continue on a reasonable schedule,  
2570 which includes beginning principal photography or the production  
2571 project in this state no more than 45 calendar days before or  
2572 after the principal photography or project start date provided  
2573 in the production's program application. The Office of Tourism,  
2574 Trade, and Economic Development shall withdraw the eligibility  
2575 of a qualified or certified production that does not continue on  
2576 a reasonable schedule.

2577 (d) Election and distribution of tax credits.—

2578 1. A certified production company receiving a tax credit  
2579 award under this section shall, at the time the credit is  
2580 awarded by the Office of Tourism, Trade, and Economic  
2581 Development after production is completed and all requirements  
2582 to receive a credit award have been met, make an irrevocable  
2583 election to apply the credit against taxes due under chapter  
2584 220, against state taxes collected or accrued under chapter 212,  
2585 or against a stated combination of the two taxes. The election  
2586 is binding upon any distributee, successor, transferee, or  
2587 purchaser. The Office of Tourism, Trade, and Economic  
2588 Development shall notify the Department of Revenue of any  
2589 election made pursuant to this paragraph.

2590 2. A qualified production company is eligible for tax  
2591 credits against its sales and use tax liabilities and corporate

832405

4/28/2010 12:18 PM

Amendment No.

2592 income tax liabilities as provided in this section. However, tax  
2593 credits awarded under this section may not be claimed against  
2594 sales and use tax liabilities or corporate income tax  
2595 liabilities for any tax period beginning before July 1, 2011,  
2596 regardless of when the credits are applied for or awarded.

2597 (e) Tax credit carryforward.—If the certified production  
2598 company cannot use the entire tax credit in the taxable year or  
2599 reporting period in which the credit is awarded, any excess  
2600 amount may be carried forward to a succeeding taxable year or  
2601 reporting period. A tax credit applied against taxes imposed  
2602 under chapter 212 may be carried forward for a maximum of 5  
2603 years after the date the credit is awarded. A tax credit applied  
2604 against taxes imposed under chapter 220 may be carried forward  
2605 for a maximum of 5 years after the date the credit is awarded,  
2606 after which the credit expires and may not be used.

2607 (f) Consolidated returns.—A certified production company  
2608 that files a Florida consolidated return as a member of an  
2609 affiliated group under s. 220.131(1) may be allowed the credit  
2610 on a consolidated return basis up to the amount of the tax  
2611 imposed upon the consolidated group under chapter 220.

2612 (g) Partnership and noncorporate distributions.—A  
2613 qualified production company that is not a corporation as  
2614 defined in s. 220.03 may elect to distribute tax credits awarded  
2615 under this section to its partners or members in proportion to  
2616 their respective distributive income or loss in the taxable year  
2617 in which the tax credits were awarded.

2618 (h) Mergers or acquisitions.—Tax credits available under  
2619 this section to a certified production company may succeed to a

832405

4/28/2010 12:18 PM

Amendment No.

2620 surviving or acquiring entity subject to the same conditions and  
2621 limitations as described in this section; however, they may not  
2622 be transferred again by the surviving or acquiring entity.

2623 (5) TRANSFER OF TAX CREDITS.—

2624 (a) Authorization.—Upon application to the Office of Film  
2625 and Entertainment and approval by the Office of Tourism, Trade,  
2626 and Economic Development, a certified production company, or a  
2627 partner or member that has received a distribution under  
2628 paragraph (4)(g), may elect to transfer, in whole or in part,  
2629 any unused credit amount granted under this section. An election  
2630 to transfer any unused tax credit amount under chapter 212 or  
2631 chapter 220 must be made no later than 5 years after the date  
2632 the credit is awarded, after which period the credit expires and  
2633 may not be used. The Office of Tourism, Trade, and Economic  
2634 Development shall notify the Department of Revenue of the  
2635 election and transfer.

2636 (b) Number of transfers permitted.—A certified production  
2637 company that elects to apply a credit amount against taxes  
2638 remitted under chapter 212 is permitted a one-time transfer of  
2639 unused credits to one transferee. A certified production company  
2640 that elects to apply a credit amount against taxes due under  
2641 chapter 220 is permitted a one-time transfer of unused credits  
2642 to no more than four transferees, and such transfers must occur  
2643 in the same taxable year.

2644 (c) Transferee rights and limitations.—The transferee is  
2645 subject to the same rights and limitations as the certified  
2646 production company awarded the tax credit, except that the  
2647 transferee may not sell or otherwise transfer the tax credit.

832405

4/28/2010 12:18 PM



Amendment No.

2648 (6) RELINQUISHMENT OF TAX CREDITS.—

2649 (a) Beginning July 1, 2011, a certified production  
2650 company, or any person who has acquired a tax credit from a  
2651 certified production company pursuant to subsections (4) and  
2652 (5), may elect to relinquish the tax credit to the Department of  
2653 Revenue in exchange for 90 percent of the amount of the  
2654 relinquished tax credit.

2655 (b) The Department of Revenue may approve payments to  
2656 persons relinquishing tax credits pursuant to this subsection.

2657 (c) Subject to legislative appropriation, the Department  
2658 of Revenue shall request the Chief Financial Officer to issue  
2659 warrants to persons relinquishing tax credits. Payments under  
2660 this subsection shall be made from the funds from which the  
2661 proceeds from the taxes against which the tax credits could have  
2662 been applied pursuant to the irrevocable election made by the  
2663 certified production company under subsection (4) are deposited.

2664 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

2665 (a) The aggregate amount of the tax credits that may be  
2666 certified pursuant to paragraph (3) (d) may not exceed:

- 2667 1. For fiscal year 2010-2011, \$53.5 million.  
2668 2. For fiscal year 2011-2012, \$74.5 million.  
2669 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,  
2670 \$38 million per fiscal year.

2671 (b) Any portion of the maximum amount of tax credits  
2672 established per fiscal year in paragraph (a) that is not  
2673 certified as of the end of a fiscal year shall be carried  
2674 forward and made available for certification during the

832405

4/28/2010 12:18 PM

Amendment No.

2675 following two fiscal years in addition to the amounts available  
2676 for certification under paragraph (a) for those fiscal years.

2677 (c) Upon approval of the final tax credit award amount  
2678 pursuant to subparagraph (3)(f)2., an amount equal to the  
2679 difference between the maximum tax credit award amount  
2680 previously certified under paragraph (3)(d) and the approved  
2681 final tax credit award amount shall immediately be available for  
2682 recertification during the current and following fiscal years in  
2683 addition to the amounts available for certification under  
2684 paragraph (a) for those fiscal years.

2685 (d) If, during a fiscal year, the total amount of credits  
2686 applied for, pursuant to paragraph (3)(a), exceeds the amount of  
2687 credits available for certification in that fiscal year, such  
2688 excess shall be treated as having been applied for on the first  
2689 day of the next fiscal year in which credits remain available  
2690 for certification.

2691 (8) RULES, POLICIES, AND PROCEDURES.—

2692 (a) The Office of Tourism, Trade, and Economic Development  
2693 may adopt rules pursuant to ss. 120.536(1) and 120.54 and  
2694 develop policies and procedures to implement and administer this  
2695 section, including, but not limited to, rules specifying  
2696 requirements for the application and approval process, records  
2697 required for substantiation for tax credits, procedures for  
2698 making the election in paragraph (4)(d), the manner and form of  
2699 documentation required to claim tax credits awarded or  
2700 transferred under this section, and marketing requirements for  
2701 tax credit recipients.

832405

4/28/2010 12:18 PM

Amendment No.

2702 (b) The Department of Revenue may adopt rules pursuant to  
2703 ss. 120.536(1) and 120.54 to administer this section, including  
2704 rules governing the examination and audit procedures required to  
2705 administer this section and the manner and form of documentation  
2706 required to claim tax credits awarded, transferred, or  
2707 relinquished under this section.

2708 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
2709 CREDITS; FRAUDULENT CLAIMS.—

2710 (a) Audit authority.—The Department of Revenue may conduct  
2711 examinations and audits as provided in s. 213.34 to verify that  
2712 tax credits under this section are received, transferred, and  
2713 applied according to the requirements of this section. If the  
2714 Department of Revenue determines that tax credits are not  
2715 received, transferred, or applied as required by this section,  
2716 it may, in addition to the remedies provided in this subsection,  
2717 pursue recovery of such funds pursuant to the laws and rules  
2718 governing the assessment of taxes.

2719 (b) Revocation of tax credits.—The Office of Tourism,  
2720 Trade, and Economic Development may revoke or modify any written  
2721 decision qualifying, certifying, or otherwise granting  
2722 eligibility for tax credits under this section if it is  
2723 discovered that the tax credit applicant submitted any false  
2724 statement, representation, or certification in any application,  
2725 record, report, plan, or other document filed in an attempt to  
2726 receive tax credits under this section. The Office of Tourism,  
2727 Trade, and Economic Development shall immediately notify the  
2728 Department of Revenue of any revoked or modified orders  
2729 affecting previously granted tax credits. Additionally, the

832405

4/28/2010 12:18 PM

Amendment No.

2730 applicant must notify the Department of Revenue of any change in  
2731 its tax credit claimed.

2732 (c) Forfeiture of tax credits.—A determination by the  
2733 Department of Revenue, as a result of an audit pursuant to  
2734 paragraph (a) or from information received from the Office of  
2735 Film and Entertainment, that an applicant received tax credits  
2736 pursuant to this section to which the applicant was not entitled  
2737 is grounds for forfeiture of previously claimed and received tax  
2738 credits. The applicant is responsible for returning forfeited  
2739 tax credits to the Department of Revenue, and such funds shall  
2740 be paid into the General Revenue Fund of the state. Tax credits  
2741 purchased in good faith are not subject to forfeiture unless the  
2742 transferee submitted fraudulent information in the purchase or  
2743 failed to meet the requirements in subsection (5).

2744 (d) Fraudulent claims.—Any applicant that submits  
2745 fraudulent information under this section is liable for  
2746 reimbursement of the reasonable costs and fees associated with  
2747 the review, processing, investigation, and prosecution of the  
2748 fraudulent claim. An applicant that obtains a credit payment  
2749 under this section through a claim that is fraudulent is liable  
2750 for reimbursement of the credit amount plus a penalty in an  
2751 amount double the credit amount. The penalty is in addition to  
2752 any criminal penalty to which the applicant is liable for the  
2753 same acts. The applicant is also liable for costs and fees  
2754 incurred by the state in investigating and prosecuting the  
2755 fraudulent claim.

2756 (10) ANNUAL REPORT.—Each October 1, the Office of Film and  
2757 Entertainment shall provide an annual report for the previous

832405

4/28/2010 12:18 PM

Amendment No.

2758 fiscal year to the Governor, the President of the Senate, and  
2759 the Speaker of the House of Representatives which outlines the  
2760 return on investment and economic benefits to the state.

2761 (11) REPEAL.—This section is repealed July 1, 2015, except  
2762 that:

2763 (a) Tax credits certified under paragraph (3) (d) before  
2764 July 1, 2015, may be awarded under paragraph (3) (f) on or after  
2765 July 1, 2015, if the other requirements of this section are met.

2766 (b) Tax credits carried forward under paragraph (4) (e)  
2767 remain valid for the period specified.

2768 (c) Subsections (5), (8) and (9) shall remain in effect  
2769 until July 1, 2020.

2770 Section 29. Effective July 1, 2010, subsection (5) of  
2771 section 288.1258, Florida Statutes, is amended to read:

2772 288.1258 Entertainment industry qualified production  
2773 companies; application procedure; categories; duties of the  
2774 Department of Revenue; records and reports.—

2775 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
2776 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
2777 and Entertainment shall keep annual records from the information  
2778 provided on taxpayer applications for tax exemption certificates  
2779 beginning January 1, 2001. These records shall reflect a ratio  
2780 ~~percentage comparison~~ of the annual amount of ~~funds exempted~~  
2781 ~~sales and use tax exemptions under this section and incentives~~  
2782 ~~awarded pursuant to s. 288.1254 to the estimated amount of funds~~  
2783 ~~expended by certified productions, including productions that~~  
2784 ~~received incentives pursuant to s. 288.1254 in relation to~~  
2785 ~~entertainment industry products.~~ These records also shall

832405

4/28/2010 12:18 PM

Amendment No.

2786 reflect a separate ratio of the annual amount of sales and use  
2787 tax exemptions under this section, plus the incentives awarded  
2788 pursuant to s. 288.1254 to the estimated amount of funds  
2789 expended by certified productions. In addition, the office shall  
2790 maintain data showing annual growth in Florida-based  
2791 entertainment industry companies and entertainment industry  
2792 employment and wages. The Office of Film and Entertainment shall  
2793 report this information to the Legislature ~~by~~ no later than  
2794 December 1 of each year.

2795 Section 30. Effective July 1, 2010, section 288.9552,  
2796 Florida Statutes, is created to read:

2797 288.9552 Florida Research Commercialization Matching Grant  
2798 Program.—

2799 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

2800 (a) The purpose of the Florida Research Commercialization  
2801 Matching Grant Program is to increase the amount of federal  
2802 funding to this state which will produce the kind of distinctive  
2803 technologies that drive today's knowledge-based economy. By  
2804 leveraging federal, state, and private-sector resources, the  
2805 Legislature intends that the program accelerate the innovation  
2806 process and more efficiently transform research results into  
2807 products in the marketplace.

2808 (b) The matching grant program is specifically intended to  
2809 be a catalyst for small or startup companies that can take  
2810 advantage of federal and state grant funding in order to  
2811 accelerate their growth and market penetration by helping them  
2812 to overcome the funding gap faced by many small companies that

832405  
4/28/2010 12:18 PM

Amendment No.

2813 are based in this state. Specific goals and objectives of the  
2814 program include:

2815 1. Increasing the amount of federal research moneys  
2816 received by small businesses in this state through Phase I and  
2817 Phase II awards from the Small Business Innovation Research  
2818 Program and the Small Business Technology Transfer Program of  
2819 the Office of Technology of the United States Small Business  
2820 Administration.

2821 2. Accelerating the entry of new technology-based products  
2822 into the marketplace.

2823 3. Producing additional technology-based jobs for the  
2824 state.

2825 4. Providing leveraged resources to increase the  
2826 effectiveness and success of applicants' projects.

2827 5. Speeding commercialization of promising technologies.

2828 6. Encouraging the establishment and growth of high-  
2829 quality, advanced technology firms in the state.

2830 7. Accelerating the rate of investment and enhancing the  
2831 state's investment infrastructure.

2832 (c) The Florida Research Commercialization Matching Grant  
2833 Program is created for the purpose of accomplishing the goals  
2834 and objectives specified in this section.

2835 (2) ADMINISTRATION.—The Florida Institute for the  
2836 Commercialization of Public Research shall develop programmatic  
2837 policy, ensure statewide applicability of the matching grant  
2838 program, establish criteria for grant awards, approve grant  
2839 awards, and annually report on program progress and results.

832405

4/28/2010 12:18 PM

Amendment No.

2840 (3) GENERAL ELIGIBILITY GUIDELINES.-A qualified applicant  
2841 for a Phase I or Phase II grant must:

2842 (a) Be a business entity that is registered with the  
2843 Secretary of State to operate in this state. The qualified  
2844 applicant must also have its primary office and a majority of  
2845 its employees domiciled in this state, and its principal  
2846 research activities must be conducted in the state.

2847 (b) Be a small company for which a state matching grant is  
2848 necessary for project development and implementation.

2849 (c) Use federal, local, and private resources to the  
2850 maximum extent possible. Total project funding shall demonstrate  
2851 that:

2852 1. Private-sector investments offset the total cost of the  
2853 project.

2854 2. Not more than 25 percent of the project's total funding  
2855 is provided by the state grant.

2856 (d) Conduct the project funded by the matching grant  
2857 program in this state.

2858 (4) PHASE-SPECIFIC APPLICATION GUIDELINES.-

2859 (a) A successful applicant for a grant must meet the  
2860 requirements of this section and be approved by the institute.  
2861 An application for a grant must be made on an application form  
2862 prescribed by the institute. An applicant shall provide all  
2863 information that the institute finds necessary to make the  
2864 determinations required by this section.

2865 (b) All applications for a grant fund must include the  
2866 following:

832405  
4/28/2010 12:18 PM



Amendment No.

2867 1. A fully elaborated technical research or business plan,  
2868 whichever applies, that is appropriate for review by outside  
2869 experts as provided in this section.

2870 2. A detailed financial analysis that includes the  
2871 commitment of resources by other entities that will be involved  
2872 in the project.

2873 3. A statement of the economic development potential of  
2874 the project, such as:

2875 a. A statement of the way in which grant support will lead  
2876 to significantly increased funding from federal or private  
2877 sources and from private sector research partners.

2878 b. A projection of the jobs to be created.

2879 c. The identity, qualifications, and obligations of the  
2880 applicant.

2881 d. Any other information that the Institute considers  
2882 appropriate.

2883 (c)1. An application for a grant fund submitted by an  
2884 academic researcher must be made through the office of the  
2885 president of the researcher's academic institution with the  
2886 express endorsement of the institution's president.

2887 2. An application for a grant submitted by a private  
2888 researcher must be made through the office of the highest  
2889 ranking officer of the researcher's institution with the express  
2890 endorsement of the institution.

2891 3. Any other application must be made through the office  
2892 of the highest ranking officer of the entity submitting the  
2893 application. In the case of an application for a grant that is

832405  
4/28/2010 12:18 PM

Amendment No.

2894 submitted jointly by one or more researchers or entities, the  
2895 application must be endorsed by each institution or entity.

2896 (d) A Phase I state grant may not be awarded unless the  
2897 applicant has received a federal Phase I award. An entity may  
2898 receive no more than five Phase I state grants.

2899 (e) A qualified applicant for a Phase II state grant must  
2900 have received an invitation to submit an application for a  
2901 federal Phase II award or must have received a federal Phase II  
2902 award. If a federal Phase II award has already been issued, the  
2903 end date of the federal award must be identified and  
2904 justification must be provided as to how the state funds will  
2905 enhance the existing federal award. A Phase II state grant may  
2906 not be awarded unless the applicant has received a federal Phase  
2907 II award.

2908 (5) PHASE I PEER REVIEW GUIDELINES.-In making a  
2909 determination on a proposal intended to obtain Phase I federal  
2910 funding, the institute shall be advised by a peer review panel  
2911 and shall consider the following factors in evaluating the  
2912 proposal:

2913 (a) The scientific merit of the proposal.

2914 (b) The predicted future success of federal funding for  
2915 the proposal.

2916 (c) The ability of the researcher to attract merit based  
2917 scientific funding of research.

2918 (d) The extent to which the proposal evidences  
2919 interdisciplinary or inter-institutional collaboration among two  
2920 or more postsecondary educational institutions or private sector

Amendment No.

2921 partners in this state, as well as cost sharing and partnership  
2922 support from the business community.

2923 (e) The peer review panel shall be chosen by and report to  
2924 the institute. In determining the composition and duties of a  
2925 peer review panel, the institute shall consider the National  
2926 Institutes of Health and the National Science Foundation peer  
2927 review processes as models. The members of the panel must have  
2928 extensive experience in federal research funding. A panel member  
2929 may not have a relationship with any private entity or  
2930 postsecondary educational institution in the state that would  
2931 constitute a conflict of interest for the panel member. The  
2932 members of a panel shall serve without compensation and are not  
2933 entitled to per diem and travel expenses while in the  
2934 performance of their duties.

2935 (f) A grant for a Phase I award may not be approved by the  
2936 Institute unless the proposal has received a positive  
2937 recommendation from a peer review panel described in this  
2938 section.

2939 (6) PHASE II REVIEW GUIDELINES.-In making a determination  
2940 on an application for a Phase II grant, the institute shall  
2941 consult with experts as necessary to analyze the likelihood of  
2942 success of the proposal and the relative merit of the proposal.

2943 (7) PROGRAM ADMINISTRATOR; RESPONSIBILITIES.-The Florida  
2944 Institute for the Commercialization of Public Research shall  
2945 serve as program administrator. The institute may contract for  
2946 the performance of a technology review and related functions  
2947 with a third party. Not more than 5 percent of a legislative  
2948 appropriation made for the purposes of implementing this program

832405

4/28/2010 12:18 PM

Amendment No.

2949 may be used for administering this program. The responsibilities  
2950 of the Institute as the program administrator include, but are  
2951 not limited to:

2952 (a) Coordinating and supporting the grant review,  
2953 approval, and contracting activities.

2954 (b) Administering the grant-selection process, including,  
2955 but not limited to, issuing open-call requests for grant  
2956 applications and receiving, reviewing, and processing grant  
2957 applications, and awarding grants to selected qualified  
2958 applicants.

2959 (c) Entering into a contract with each grant recipient and  
2960 servicing as the grant contract manager.

2961 (d) Reporting program progress and results.

2962 (e) Establishing a mechanism by which information  
2963 regarding grant projects may be made available to facilitate  
2964 additional investment by individual investors, investment for  
2965 early start-up costs, or venture capital investment.

2966 (8) APPLICATION REVIEW.—An application for a matching  
2967 grant award must be reviewed and approved or denied within 45  
2968 days after receipt.

2969 (9) AWARDS.—The matching grant program may make a one-time  
2970 award of up to \$50,000 per project for a Phase I grant to a  
2971 qualified applicant and up to \$250,000 per project for a Phase  
2972 II grant to a qualified applicant. Grant funds shall be released  
2973 upon completion of all contract requirements.

2974 (10) REPORTING.—Beginning December 1, 2011, and annually  
2975 thereafter, the institute shall transmit a report relating to  
2976 the grants awarded under the program to the Governor, the

832405

4/28/2010 12:18 PM

Amendment No.

2977 President of the Senate, and the Speaker of the House of  
2978 Representatives for the previous fiscal year.

2979 (11) EXPIRATION.—This section expires July 1, 2013, unless  
2980 reviewed and reenacted by the Legislature prior to that date.

2981 Section 31. Effective July 1, 2010, subsections (7)  
2982 through (12) of section 288.9625, Florida Statutes, are amended  
2983 to read:

2984 288.9625 Institute for the Commercialization of Public  
2985 Research.—There is established the Institute for the  
2986 Commercialization of Public Research.

2987 ~~(7) Enterprise Florida, Inc., shall issue a request for~~  
2988 ~~proposals to state universities requesting proposals to fulfill~~  
2989 ~~the purposes of the institute as described in this section and~~  
2990 ~~provide for its physical location in a major metropolitan area~~  
2991 ~~in the southern part of the state having extensive commercial~~  
2992 ~~air service to facilitate access by venture capital providers.~~  
2993 ~~Enterprise Florida, Inc., shall review the proposals in a~~  
2994 ~~committee appointed by its board of directors which shall make a~~  
2995 ~~recommendation for final selection. Final approval of the~~  
2996 ~~selected proposal must be by the board of directors of~~  
2997 ~~Enterprise Florida, Inc., at one of its duly noticed meetings.~~

2998 (7)(8)(a) To be eligible for assistance, the company or  
2999 organization attempting to commercialize its product must be  
3000 accepted by the institute before receiving the institute's  
3001 assistance.

3002 (b) The institute shall receive recommendations from any  
3003 publicly supported organization that a company that is  
3004 commercializing the research, technology, or patents from a

832405

4/28/2010 12:18 PM

Amendment No.

3005 qualifying publicly supported organization should be accepted  
3006 into the institute.

3007 (c) The institute shall thereafter review the business  
3008 plans and technology information of each such recommended  
3009 company. If accepted, the institute shall mentor the company,  
3010 develop marketing information on the company, and use its  
3011 resources to attract capital investment into the company, as  
3012 well as bring other resources to the company which may foster  
3013 its effective management, growth, capitalization, technology  
3014 protection, or marketing or business success.

3015 (8)~~(9)~~ The institute shall:

3016 (a) Maintain a centralized location to showcase companies  
3017 and their technologies and products;

3018 (b) Develop an efficient process to inventory and  
3019 publicize companies and products that have been accepted by the  
3020 institute for commercialization;

3021 (c) Routinely communicate with private investors and  
3022 venture capital organizations regarding the investment  
3023 opportunities in its showcased companies;

3024 (d) Facilitate meetings between prospective investors and  
3025 eligible organizations in the institute;

3026 (e) Hire full-time staff who understand relevant  
3027 technologies needed to market companies to the angel investors  
3028 and venture capital investment community; and

3029 (f) Develop cooperative relationships with publicly  
3030 supported organizations all of which work together to provide  
3031 resources or special knowledge that is likely to be helpful to  
3032 institute companies.

832405

4/28/2010 12:18 PM

Amendment No.

3033 (g) Administer the Florida Research Commercialization  
3034 Matching Grant Program created in s. 288.9552.

3035 ~~(9)-(10)~~ The institute shall not develop or accrue any  
3036 ownership, royalty, patent, or other such rights over or  
3037 interest in companies or products in the institute and shall  
3038 maintain the secrecy of proprietary information.

3039 ~~(10)-(11)~~ The institute shall not charge for services  
3040 rendered to state universities and affiliated organizations,  
3041 community colleges, or state agencies.

3042 ~~(11)-(12)~~ By December 1 of each year, the institute shall  
3043 issue an annual report concerning its activities to the  
3044 Governor, the President of the Senate, and the Speaker of the  
3045 House of Representatives. The report shall include the  
3046 following:

3047 (a) Information on any assistance and activities provided  
3048 by the institute to assist publicly supported universities,  
3049 colleges, research institutes, and other publicly supported  
3050 organizations in the state.

3051 (b) A description of the benefits to this state resulting  
3052 from the institute, including the number of businesses created,  
3053 associated industries started, the number of jobs created, and  
3054 the growth of related projects.

3055 (c) Independently audited financial statements, including  
3056 statements that show receipts and expenditures during the  
3057 preceding fiscal year for personnel, administration, and  
3058 operational costs of the institute.

3059 Section 32. Section 288.9621, Florida Statutes, is amended  
3060 to read:

832405

4/28/2010 12:18 PM

Amendment No.

3061 288.9621 Short title.—This part ~~Sections 288.9621–288.9625~~  
3062 may be cited as the "Florida Capital Formation Act."

3063 Section 33. Subsections (1) and (2) of section 288.9622,  
3064 Florida Statutes, are amended to read:

3065 288.9622 Findings and intent.—

3066 (1) The Legislature finds and declares that there is a  
3067 need to increase the availability of seed capital and early  
3068 stage venture equity capital for emerging companies in the  
3069 state, including, without limitation, enterprises in life  
3070 sciences, information technology, advanced manufacturing  
3071 processes, aviation and aerospace, and homeland security and  
3072 defense, as well as other strategic technologies and  
3073 infrastructure funding.

3074 (2) It is the intent of the Legislature that this part ~~ss.~~  
3075 ~~288.9621–288.9625~~ serve to mobilize private investment in a  
3076 broad variety of venture capital partnerships in diversified  
3077 industries and geographies; retain private sector investment  
3078 criteria focused on rate of return; use the services of highly  
3079 qualified managers in the venture capital industry regardless of  
3080 location; facilitate the organization of the Florida Opportunity  
3081 Fund as an investor in seed and early stage businesses,  
3082 infrastructure projects, venture capital funds, infrastructure  
3083 funds, and angel funds; and precipitate capital investment and  
3084 extensions of credit to and in the Florida Opportunity Fund.

3085 Section 34. Section 288.9623, Florida Statutes, is amended  
3086 to read:

3087 288.9623 Definitions.— As used in this part, the term ~~ss.~~  
3088 ~~288.9621–288.9625~~:

832405

4/28/2010 12:18 PM



Amendment No.

3089 (1) "Board" means the board of directors of the Florida  
3090 Opportunity Fund.

3091 (2) "Certificate" means a contract between the trust and  
3092 an investment partner under which the partner, under certain  
3093 conditions, may redeem such certificate for a tax credit to  
3094 guarantee the partner's investment in the partnership.

3095 (3) "Commitment agreement" means a contract between the  
3096 partnership and an investment partner under which the partner  
3097 commits to providing a specified amount of investment capital in  
3098 exchange for an ownership interest in the partnership.

3099 (4) ~~(2)~~ "Fund" means the Florida Opportunity Fund.

3100 (5) "Infrastructure project" means a capital project in  
3101 the state for a facility or other infrastructure need in the  
3102 state, a county, or a municipality with respect to any of the  
3103 following: water or wastewater system, communication system,  
3104 power system, transportation system, renewable energy system,  
3105 ancillary or support system for any of these types of projects,  
3106 or other strategic infrastructure of the state, the county, or  
3107 the municipality.

3108 (6) "Investment partner" or "partner" means a person,  
3109 other than the partnership, the fund, or the trust, who  
3110 purchases an ownership interest in the partnership.

3111 (7) "Partnership" means the Florida Infrastructure Fund  
3112 Partnership.

3113 (8) "Tax credit" means a credit issued against the taxes  
3114 specified in s. 288.9628(7)(c).

3115 (9) "Trust" means the Florida Infrastructure Investment  
3116 Trust.

832405

4/28/2010 12:18 PM

Amendment No.

3117 Section 35. Section 288.9627, Florida Statutes, is created  
3118 to read:

3119 288.9627 Florida Infrastructure Fund Partnership;  
3120 creation; duties.-

3121 (1) The Florida Opportunity Fund shall facilitate the  
3122 creation of the Florida Infrastructure Fund Partnership, which  
3123 shall be organized and operated under chapter 620 as a private,  
3124 for-profit limited partnership or limited liability partnership  
3125 with the fund as a general partner. The partnership shall manage  
3126 its business affairs and conduct business consistent with its  
3127 organizing documents and the purposes described in this section.  
3128 However, the partnership is not an instrumentality of the state.

3129 (2) The primary purpose of the partnership is to raise  
3130 investment capital and invest the capital in infrastructure  
3131 projects in the state that promote the economic development of  
3132 the state, a county, or a municipality.

3133 (3) (a) The fund, as a general partner of the partnership,  
3134 shall manage the partnership's business affairs, including, but  
3135 not limited to:

3136 1. Hiring one or more investment managers to assist with  
3137 management of the partnership through a national solicitation  
3138 for qualified investment managers for the raising and investing  
3139 of capital by the partnership. Any proposed investment plan must  
3140 address the investment manager's level of experience, quality of  
3141 management, investment philosophy and process, demonstrable  
3142 success in fundraising, and prior investment results.

832405  
4/28/2010 12:18 PM

Amendment No.

3143 2. Soliciting and negotiating the terms of, contracting  
3144 for, and receiving investment capital with the assistance of the  
3145 investment managers or other service providers.

3146 3. Receiving investment returns.

3147 4. Disbursing returns to investment partners.

3148 5. Approving investments in order to provide financial  
3149 returns together with strategic returns designed to satisfy the  
3150 state's, the county's, or the municipality's infrastructure  
3151 needs; result in a significant potential to create or retain  
3152 jobs in this state; and further diversify the state's economy.

3153 6. Engaging in other activities necessary to operate the  
3154 partnership.

3155 (b) The fund may lend up to \$350,000 to the partnership to  
3156 pay the initial expenses of organizing the partnership and  
3157 soliciting investment partners.

3158 (4) (a) The partnership shall raise funds from investment  
3159 partners for investment in infrastructure projects in the state  
3160 by entering into commitment agreements with such partners on  
3161 terms approved by the fund's board.

3162 (b) The Florida Infrastructure Investment Trust shall,  
3163 pursuant to s. 288.9628, concurrently with the execution of a  
3164 commitment agreement with an investment partner, issue a  
3165 certificate redeemable for a contingent tax credit to guarantee  
3166 the partner's investment in the partnership.

3167 (c) The partnership shall provide a copy of each  
3168 commitment agreement to the trust upon execution of the  
3169 agreement by all parties.

832405

4/28/2010 12:18 PM

Amendment No.

3170       (d) The partnership may enter into commitment agreements  
3171 with investment partners beginning July 1, 2010. The total  
3172 principal investment payable to the partnership under all  
3173 commitment agreements, and the corresponding amount of the  
3174 certificates issued by the trust under s. 288.9628, may not  
3175 exceed the total aggregate amount of \$350 million. However, if  
3176 the partnership does not obtain commitment agreements totaling  
3177 at least \$75 million by December 1, 2011, the partnership must  
3178 cancel any executed agreement and return the investment capital  
3179 of each investment partner who executed an agreement.

3180       (5) (a) The partnership may only invest in an  
3181 infrastructure project:

3182       1. That fulfills a critical infrastructure need in the  
3183 state.

3184       2. That raises enough equity or debt capital from other  
3185 sources so that the total amount invested in the project is at  
3186 least twice the amount invested by the partnership.

3187       3. For which legal measures exist, appropriate to the  
3188 individual project, to ensure that the project is not  
3189 fraudulently closed to the detriment of the residents of the  
3190 state.

3191       (b) The partnership may not invest more than 20 percent of  
3192 its total available investment capital in any single  
3193 infrastructure project.

3194       (6) The partnership may only invest in an infrastructure  
3195 project based on an evaluation of the following:

3196       (a) A written business plan for the project, including all  
3197 expected revenue sources.

832405

4/28/2010 12:18 PM

Amendment No.

3198 (b) The likelihood of the project's attracting operating  
3199 capital from investment partners, grants, or other lenders.

3200 (c) The management team for the proposed project.

3201 (d) The project's potential for job creation in the state.

3202 (e) The financial resources of the entity proposing the  
3203 project.

3204 (f) The existence of reasonable safeguards to ensure that  
3205 the project provides a continuing benefit for residents of the  
3206 state.

3207 (g) Other factors not inconsistent with this section that  
3208 are deemed by the partnership as relevant to the likelihood of  
3209 the project's success.

3210 (7) By December 1 of each year beginning in 2010, the  
3211 partnership shall submit an annual report of its activities to  
3212 the Governor, the President of the Senate, and the Speaker of  
3213 the House of Representatives. The annual report must include, at  
3214 a minimum:

3215 (a) An accounting of the amounts of investment capital  
3216 raised and disbursed by the partnership and the progress of the  
3217 partnership, including the progress of each infrastructure  
3218 project in which the partnership has invested.

3219 (b) A description of the benefits to the state that result  
3220 from the partnership's investments, including a list of  
3221 infrastructure projects; the benefits of those projects to the  
3222 state, the county, or the municipality; the number of businesses  
3223 and associated industries positively affected; the number,  
3224 types, and average annual wages of the jobs created or retained;  
3225 and the positive impact on the state's economy.

832405

4/28/2010 12:18 PM

Amendment No.

3226 (c) Independently audited financial statements, including  
3227 statements that show receipts and expenditures during the  
3228 preceding fiscal year for the operational costs of the  
3229 partnership.

3230 (8) The partnership and the fund may not pledge the credit  
3231 or taxing power of the state or any political subdivision  
3232 thereof and may not make their debts payable from any moneys or  
3233 resources except those of the partnership or the fund. An  
3234 obligation of the partnership or the fund is not an obligation  
3235 of the state or any political subdivision thereof but is an  
3236 obligation of the partnership or the fund, payable exclusively  
3237 from the partnership's or the fund's resources.

3238 (9) The partnership may not invest in an infrastructure  
3239 project with, or accept investment capital from, a company  
3240 described in s. 215.472 or a scrutinized company as defined in  
3241 s. 215.473. The entity owning an infrastructure project in which  
3242 the partnership has invested must provide reasonable assurances  
3243 to the partnership that the entity will not provide such company  
3244 or scrutinized company with an ownership interest in the  
3245 infrastructure project.

3246 Section 36. Section 288.9628, Florida Statutes, is created  
3247 to read:

3248 288.9628 Florida Infrastructure Investment Trust;  
3249 creation; duties; issuance of certificates; applications for tax  
3250 credits.—

3251 (1) (a) There is created the Florida Infrastructure  
3252 Investment Trust, which shall be organized as a state  
3253 beneficiary public trust to be administered by a board of

832405

4/28/2010 12:18 PM

Amendment No.

3254 trustees. The powers and duties of the board of trustees under  
3255 this section are deemed to be performed for essential public  
3256 purposes.

3257 (b) The board of trustees shall consist of the Chief  
3258 Financial Officer, the director of the Office of Tourism, Trade,  
3259 and Economic Development, and the vice chair of Enterprise  
3260 Florida, Inc., or their designees. The board of trustees shall  
3261 appoint an administrative officer who may act on behalf of the  
3262 trust under the direction of the board of trustees.

3263 (c) Members of the board of trustees and its  
3264 administrative officer shall serve without compensation. Neither  
3265 a member nor the administrative officer may have a financial  
3266 interest in any investment partner.

3267 (2) The trust may hire consultants, retain professional  
3268 services, issue certificates, sell certificates in accordance  
3269 with paragraph (5) (b), expend funds, invest funds, contract,  
3270 bond or insure against loss, or perform any other act necessary  
3271 to administer this section.

3272 (3) (a) The trust shall, pursuant to s. 288.9627 and this  
3273 section, issue certificates redeemable for contingent tax  
3274 credits to investment partners who make equity investments in  
3275 the Florida Infrastructure Fund Partnership.

3276 (b) The trust may seek reimbursement of its reasonable  
3277 costs and expenses from the partnership by charging a fee for  
3278 the issuance of certificates to investment partners of up to  
3279 0.25 percent of the aggregate investment capital committed to  
3280 the partnership by the investment partners who are issued  
3281 certificates.

832405

4/28/2010 12:18 PM

Amendment No.

3282 (c) All certificates issued by the trust may not exceed  
3283 the total aggregate amount specified in s. 288.9627(4)(d).

3284 (d) A certificate may only be issued concurrently with a  
3285 commitment agreement between the investment partner and the  
3286 partnership. A certificate issued by the trust must include a  
3287 specific calendar year maturity date designated by the trust of  
3288 at least 12 years after issuance. A contingent tax credit may  
3289 not be claimed or redeemed except by an investment partner or  
3290 purchaser in accordance with this section and the terms of a  
3291 certificate issued by the trust.

3292 (e) Once the total amount of the investment capital  
3293 committed by an investment partner in his or her commitment  
3294 agreement is provided to the partnership by the partner, the  
3295 certificate is binding, and the partnership, the trust, and the  
3296 Department of Revenue may not modify, terminate, or rescind the  
3297 certificate.

3298 (4) (a) The partnership shall provide written notice to  
3299 each investment partner if, on the maturity date of his or her  
3300 certificate, the partner's net capital investment is greater  
3301 than zero. The notice must include, at a minimum:

3302 1. A good faith estimate of the fair market value of the  
3303 partnership's assets as of the date of the notice.

3304 2. The total capital investment of all investment partners  
3305 as of the date of the notice.

3306 3. The total amount of distributions received by the  
3307 investment partners.

3308 4. The amount of the tax credit the investment partner is  
3309 entitled to be issued by the Department of Revenue.

832405

4/28/2010 12:18 PM



Amendment No.

3310  
3311 For purposes of this section, an investment partner's net  
3312 capital investment is an amount equal to the difference between  
3313 the total investment capital actually advanced by the investment  
3314 partner to the partnership and the amount of the aggregate  
3315 actual distributions received by the investment partner.

3316 (b) The partnership shall concurrently provide a copy of  
3317 each investment partner's notice to the trust.

3318 (c) Upon receipt of the notice from the partnership, each  
3319 affected investment partner may make a one-time election to:

3320 1. Have a tax credit issued to the investment partner;  
3321 2. Have the trust sell the partner's certificate on his or  
3322 her behalf with the proceeds of the sale to be paid to the  
3323 partner by the trust; or

3324 3. Maintain the investment partner's investment in the  
3325 partnership.

3326 (d) Except as provided in paragraph (6) (d), the election  
3327 made by an investment partner under paragraph (c) is final and  
3328 may not be revoked or modified.

3329 (e) An investment partner must provide written notice to  
3330 the partnership and the trust of his or her election within 30  
3331 days after his or her receipt of the notice from the  
3332 partnership. If an investment partner fails to provide notice  
3333 within 30 days, the investment partner is deemed to have elected  
3334 to maintain his or her investment in the partnership under  
3335 subparagraph (c)3.

3336 (5) (a) If an investment partner elects to have a tax  
3337 credit issued to him or her, the trust shall apply to the

832405

4/28/2010 12:18 PM

Amendment No.

3338 Department of Revenue on the partner's behalf for issuance of  
3339 the tax credit in his or her name. In order to receive the tax  
3340 credit, the investment partner must agree in writing to transfer  
3341 his or her ownership interest in the partnership to the fund.

3342 (b) If an investment partner elects to have the trust sell  
3343 his or her certificate, the trust shall exercise its best  
3344 efforts to sell the certificate. In order to receive the  
3345 proceeds from the trust's sale of the certificate, the  
3346 investment partner must agree in writing to transfer his or her  
3347 ownership interest in the partnership to the fund. A purchaser's  
3348 payment for the certificate, or any portion thereof, shall be  
3349 made to the trust on behalf of the investment partner or, upon  
3350 the partner's request, directly to the investment partner. The  
3351 trust may sell a certificate in an amount that does not exceed  
3352 the lesser of:

3353 1. The amount of the certificate issued to the investment  
3354 partner; or

3355 2. The amount necessary to yield proceeds to the  
3356 investment partner equal to his or her net capital investment as  
3357 of the date of the partnership's notice.

3358 (6) (a) Within 30 days after receipt of an investment  
3359 partner's election to be issued a tax credit under paragraph  
3360 (5) (a), or within 30 days after the sale of a partner's  
3361 certificate under paragraph (5) (b), the trust shall apply to the  
3362 Department of Revenue for issuance of the tax credit on behalf  
3363 of the partner or on behalf of the certificate's purchaser, as  
3364 applicable. However, the trust's failure to timely submit an  
3365 application to the Department of Revenue does not affect the

832405

4/28/2010 12:18 PM

Amendment No.

3366 investment partner's or certificate purchaser's eligibility for  
3367 the tax credit.

3368 (b) The trust's application for a tax credit must include  
3369 the partnership's certification of the amount of tax credit to  
3370 be issued, the identity of the taxpayer to whom the tax credit  
3371 is to be issued, and the tax against which the credit shall be  
3372 applied. The Department of Revenue shall issue the tax credit  
3373 within 30 days after receipt of a timely and complete  
3374 application.

3375 (c) If an investment partner's certificate is sold by the  
3376 trust under paragraph (5) (b) to more than one purchaser, the  
3377 Department of Revenue shall issue tax credits to such purchasers  
3378 in such amounts as designated by the trust in the application.

3379 (d) The trust shall provide the investment partner with  
3380 written notice if the trust is unable to sell the partner's  
3381 certificate within 90 days after the partner's election. Within  
3382 30 days after receipt of such notice, the investment partner  
3383 may:

3384 1. Revoke his or her prior election and make a new  
3385 election under paragraph (4) (c); or

3386 2. Modify the election and have a tax credit issued to him  
3387 or her for the amount of any unsold credit. Within 30 days after  
3388 such modified election, the trust shall apply to the Department  
3389 of Revenue in accordance with paragraph (a) for issuance of tax  
3390 credits on behalf of the investment partner in the amount of any  
3391 unsold credit and on behalf of the purchasers in the amount of  
3392 their purchased credit.

832405  
4/28/2010 12:18 PM

Amendment No.

3393 (7) (a) The Department of Revenue may not issue more than  
3394 \$350 million in tax credits. The trust may not approve tax  
3395 credits in excess of the total capital invested through  
3396 commitment agreements.

3397 (b) The amount of tax credits that may be claimed by the  
3398 owner of the credits, or applied against state taxes, in any one  
3399 state fiscal year may not exceed an amount equal to \$87.5  
3400 million multiplied by a fraction the numerator of which is the  
3401 amount of credits that the Department of Revenue issued to such  
3402 owner and the denominator of which is the amount of all credits  
3403 that the Department of Revenue issued to all tax credit owners.

3404 (c) A tax credit issued by the Department of Revenue under  
3405 this section may be used by the owner of the credit as an offset  
3406 against any taxes owed to the state under chapter 212, chapter  
3407 220, or chapter 624. The offset may be applied by the owner on  
3408 any return for an eligible tax due on or after the date that the  
3409 credit is issued by the Department of Revenue but within 7 years  
3410 after the credit is issued. The owner of the tax credit may  
3411 elect to have the amount authorized in the credit, or any  
3412 portion thereof, claimed as a refund of taxes paid rather than  
3413 applied as an offset against eligible taxes, if such election is  
3414 made within 7 years after the credit is issued.

3415 (d) To the extent that a tax credit issued under this  
3416 section is used by its owner either as a credit against taxes  
3417 due or to obtain payment from the state, the amount of such  
3418 credit becomes an obligation to the state by the partnership,  
3419 secured exclusively by the ownership interest transferred to the  
3420 fund by the investment partner whose investment generated the

832405

4/28/2010 12:18 PM

Amendment No.

3421 tax credit. In such case, the state's recovery is limited to  
3422 such forfeited ownership interest. The Department of Revenue  
3423 shall account for tax credits used under this section and make  
3424 such information available to the partnership. The fund, as  
3425 general partner, is not liable to the state for repayment of the  
3426 used tax credits from the fund's separate assets unrelated to  
3427 its interest in the partnership.

3428 (8) The Department of Revenue, upon the request of the  
3429 trust, shall provide the trust with a written assurance that the  
3430 certificates issued by the trust will be honored by the  
3431 Department of Revenue as provided in this section.

3432 (9) Chapter 517 does not apply to the certificates and tax  
3433 credits transferred or sold under this section.

3434 Section 37. Paragraph (z) is added to subsection (8) of  
3435 section 213.053, Florida Statutes, to read:

3436 213.053 Confidentiality and information sharing.—

3437 (8) Notwithstanding any other provision of this section,  
3438 the department may provide:

3439 (z) Information relative to tax credits under ss. 288.9627  
3440 and 288.9628 to the Florida Infrastructure Fund Partnership and  
3441 the Florida Infrastructure Investment Trust.

3442  
3443 Disclosure of information under this subsection shall be  
3444 pursuant to a written agreement between the executive director  
3445 and the agency. Such agencies, governmental or nongovernmental,  
3446 shall be bound by the same requirements of confidentiality as  
3447 the Department of Revenue. Breach of confidentiality is a

832405  
4/28/2010 12:18 PM

Amendment No.

3448 misdemeanor of the first degree, punishable as provided by s.  
3449 775.082 or s. 775.083.

3450 Section 38. Subsection (7) of section 288.9913, Florida  
3451 Statutes, is amended to read:

3452 288.9913 Definitions.—As used in ss. 288.991-288.9922, the  
3453 term:

3454 (7) "Qualified active low-income community business" means  
3455 a corporation, including a nonprofit corporation, or partnership  
3456 that complies with each of the following:

3457 (a)1. Derives at least 50 percent of its total gross  
3458 income from the active conduct of business within any low-income  
3459 community for any taxable year.†

3460 2. Uses at least 40 percent ~~a substantial portion~~ of its  
3461 tangible property, whether owned or leased, within any low-  
3462 income community for any taxable year, which percentage shall be  
3463 the average value of the tangible property owned or leased and  
3464 used within a low-income community by the corporation or  
3465 partnership divided by the average value of the total tangible  
3466 property owned or leased and used by the corporation or  
3467 partnership during the taxable year. The value assigned to  
3468 leased property by the corporation or partnership must be  
3469 reasonable.†

3470 3. Performs at least 40 percent ~~a substantial portion~~ of  
3471 its services through its employees in a low-income community for  
3472 any taxable year, which percentage shall be the amount paid by  
3473 the corporation or partnership for salaries, wages, and benefits  
3474 to employees in a low-income community divided by the total

832405  
4/28/2010 12:18 PM

Amendment No.

3475 amount paid by the corporation or partnership for salaries,  
3476 wages, and benefits during the taxable year.†

3477 4. Attributes less than 5 percent of the average of the  
3478 aggregate unadjusted bases of the property of the entity to  
3479 collectibles, as defined in 26 U.S.C. s. 408(m)(2), other than  
3480 collectibles that are held primarily for sale to customers in  
3481 the ordinary course of the business for any taxable year.†~~and~~

3482 5. Attributes less than 5 percent of the average of the  
3483 aggregate unadjusted bases of the property of the entity to  
3484 nonqualified financial property, as defined in 26 U.S.C. s.  
3485 1397C(e), for any taxable year.

3486  
3487 A corporation or partnership complies with subparagraph 1. if,  
3488 as calculated in subparagraph 2., it uses at least 50 percent of  
3489 its tangible property, whether owned or leased, within any low-  
3490 income community for any taxable year or if, as calculated in  
3491 subparagraph 3., the corporation or partnership performs at  
3492 least 50 percent of its services through its employees in a low-  
3493 income community for any taxable year.

3494 (b) Is reasonably expected by a qualified community  
3495 development entity at the time of an investment to continue to  
3496 satisfy the requirements of paragraphs (a), (c), and (d) for the  
3497 duration of the investment.

3498 (c) Satisfies the requirements of paragraphs (a) and (b),  
3499 but does not:

3500 1. Derive or project to derive 15 percent or more of its  
3501 annual revenue from the rental or sale of real estate, unless  
3502 the corporation or partnership derives such revenue from the

832405

4/28/2010 12:18 PM

Amendment No.

3503 rental of real estate and the primary lessee and user of such  
3504 real estate is another qualified active low-income community  
3505 business that is owned or controlled by, or that is under common  
3506 ownership or control with, such corporation or partnership;

3507 2. Engage predominantly in the development or holding of  
3508 intangibles for sale or license;

3509 3. Operate a private or commercial golf course, country  
3510 club, massage parlor, hot tub facility, suntan facility,  
3511 racetrack, gambling facility, or a store the principal business  
3512 of which is the sale of alcoholic beverages for consumption off  
3513 premises; or

3514 4. Engage principally in farming and owns or leases assets  
3515 the sum of the aggregate unadjusted bases or the fair market  
3516 value of which exceeds \$500,000.

3517 (d) Will create or retain jobs that pay an average wage of  
3518 at least 115 percent of the federal poverty income guidelines  
3519 for a family of four.

3520 Section 39. Subsection (2) of section 288.9920, Florida  
3521 Statutes, is amended to read:

3522 288.9920 Recapture and penalties.—

3523 (2) The office shall provide notice to the qualified  
3524 community development entity and the department of a proposed  
3525 recapture of a tax credit. The entity shall have 6 months ~~90~~  
3526 ~~days~~ following the receipt of the notice to cure a deficiency  
3527 identified in the notice and avoid recapture. The office shall  
3528 issue a final order of recapture if the entity fails to cure a  
3529 deficiency within the 6-month ~~90-day~~ period. The final order of  
3530 recapture shall be provided to the entity, the department, and a

832405

4/28/2010 12:18 PM



Amendment No.

3531 taxpayer otherwise authorized to claim the tax credit. Only one  
3532 correction is permitted for each qualified equity investment  
3533 during the 7-year credit period. Recaptured funds shall be  
3534 deposited into the General Revenue Fund.

3535 Section 40. Effective July 1, 2010, section 373.441,  
3536 Florida Statutes, is amended to read:

3537 373.441 Role of counties, municipalities, and local  
3538 pollution control programs in permit processing; delegation.-

3539 (1) The department ~~in consultation with the water~~  
3540 ~~management districts~~ shall, by December 1, 1994, adopt rules to  
3541 guide the participation of counties, municipalities, and local  
3542 pollution control programs in an efficient, streamlined  
3543 permitting system. Such rules must ~~shall~~ seek to increase  
3544 governmental efficiency, ~~shall~~ maintain environmental standards,  
3545 and ~~shall~~ include consideration of ~~the following~~:

3546 (a) Provisions under which the environmental resource  
3547 permit program are ~~shall be~~ delegated, upon approval of the  
3548 department ~~and the appropriate water management districts~~, only  
3549 to a county, municipality, or local pollution control program  
3550 that ~~which~~ has the financial, technical, and administrative  
3551 capabilities and desire to implement and enforce the program;

3552 (b) Provisions under which a locally delegated permit  
3553 program may have stricter environmental standards than state  
3554 standards;

3555 (c) Provisions for identifying and reconciling any  
3556 duplicative permitting by January 1, 1995;

3557 (d) Provisions for timely and cost-efficient notification  
3558 by the reviewing agency of permit applications, and permit

832405

4/28/2010 12:18 PM

Amendment No.

3559 requirements, to counties, municipalities, local pollution  
3560 control programs, the department, or water management districts,  
3561 as appropriate;

3562 (e) Provisions for ensuring the consistency of permit  
3563 applications with local comprehensive plans;

3564 (f) Provisions for the partial delegation of the  
3565 environmental resource permit program to counties,  
3566 municipalities, or local pollution control programs, and  
3567 standards and criteria to be employed in the implementation of  
3568 such delegation by counties, municipalities, and local pollution  
3569 control programs;

3570 (g) Special provisions under which the environmental  
3571 resource permit program may be delegated to counties having ~~with~~  
3572 populations of 75,000 or fewer ~~less~~, or municipalities with, or  
3573 local pollution control programs serving, populations of 50,000  
3574 or fewer ~~less~~; and

3575 (h) Provisions for the applicability of chapter 120 to  
3576 local government programs when the environmental resource permit  
3577 program is delegated to counties, municipalities, or local  
3578 pollution control programs; and

3579 (i) Provisions for a local government to petition the  
3580 Governor and Cabinet for review of a request for a delegation of  
3581 authority that is not approved or denied within 1 year after  
3582 being initiated.

3583 (2) Any denial by the department of a local government's  
3584 request for a delegation of authority must provide specific  
3585 detail of those statutory or rule provisions that were not  
3586 satisfied. Such detail shall also include specific actions that

832405

4/28/2010 12:18 PM

Amendment No.

3587 can be taken in order to allow for the delegation of authority.  
3588 A local government, upon being denied a request for a delegation  
3589 of authority, may petition the Governor and Cabinet for a review  
3590 of the request. The Governor and Cabinet may reverse the  
3591 decision of the department and may provide any necessary  
3592 conditions to allow the delegation of authority to occur.

3593 (3) Delegation of authority shall be approved if the local  
3594 government meets the requirements set forth in rule 62-344,  
3595 Florida Administrative Code. This section does not require a  
3596 local government to seek delegation of the environmental  
3597 resource permit program.

3598 (4)(2) ~~Nothing in~~ This section does not affect ~~affects~~ or  
3599 modify ~~modifies~~ land development regulations adopted by a local  
3600 government to implement its comprehensive plan pursuant to  
3601 chapter 163.

3602 (5)(3) The department shall review environmental resource  
3603 permit applications for electrical distribution and transmission  
3604 lines and other facilities related to the production,  
3605 transmission, and distribution of electricity which are not  
3606 certified under ss. 403.52-403.5365, the Florida Electric  
3607 Transmission Line Siting Act, regulated under this part.

3608 Section 41. Effective July 1, 2010, subsection (41) is  
3609 added to section 403.061, Florida Statutes, to read:

3610 403.061 Department; powers and duties.—The department  
3611 shall have the power and the duty to control and prohibit  
3612 pollution of air and water in accordance with the law and rules  
3613 adopted and promulgated by it and, for this purpose, to:

832405

4/28/2010 12:18 PM

Amendment No.

3614       (41) Expand the use of online self-certification for  
3615 appropriate exemptions and general permits issued by the  
3616 department or the water management districts if such expansion  
3617 is economically feasible. Notwithstanding any other provision of  
3618 law, a local government may not specify the method or form for  
3619 documenting that a project qualifies for an exemption or meets  
3620 the requirements for a permit under chapter 161, chapter 253,  
3621 chapter 373, or this chapter. This limitation of local  
3622 government authority extends to Internet-based department  
3623 programs that provide for self-certification.

3624  
3625 The department shall implement such programs in conjunction with  
3626 its other powers and duties and shall place special emphasis on  
3627 reducing and eliminating contamination that presents a threat to  
3628 humans, animals or plants, or to the environment.

3629       Section 42. Section 47 of chapter 2009-82, Laws of  
3630 Florida, is amended to read:

3631       Section 47. In order to implement Specific Appropriation  
3632 1570 of the 2009-2010 General Appropriations Act:

3633       (1) The intent of the Legislature is to ensure that  
3634 residents of the state derive the maximum possible economic  
3635 benefit from the federal first-time homebuyer tax credit created  
3636 through The American Recovery and Reinvestment Act of 2009 by  
3637 providing subordinate down payment assistance loans to first-  
3638 time homebuyers for owner-occupied primary residences which can  
3639 be repaid by the income tax refund the homebuyer is entitled to  
3640 under the First Time Homebuyer Credit. The state program shall  
3641 be called the "Florida Homebuyer Opportunity Program."

832405

4/28/2010 12:18 PM

Amendment No.

3642 (2) The Florida Housing Finance Corporation shall  
3643 administer the Florida Homebuyer Opportunity Program to optimize  
3644 eligibility for conventional, VA, USDA, FHA, and other loan  
3645 programs through the State Housing Initiatives Partnership  
3646 program in accordance with ss. 420.907-420.9079, Florida  
3647 Statutes, and the provisions of this section.

3648 (3) Prior to December 1, 2009, or any later date  
3649 established by the Internal Revenue Service for such purchases,  
3650 counties and eligible municipalities receiving funds shall  
3651 expend the funds appropriated under Specific Appropriation 1570A  
3652 only to provide subordinate loans to prospective first-time  
3653 homebuyers under the Florida Homebuyer Opportunity Program  
3654 pursuant to this section, except that up to 10 percent of such  
3655 funds may be used to cover administrative expenses of the  
3656 counties and eligible municipalities to implement the Florida  
3657 Homebuyer Opportunity Program, and not more than .25 percent may  
3658 be used to compensate the Florida Housing Finance Corporation  
3659 for the expenses associated with compliance monitoring. The  
3660 funds appropriated under Specific Appropriation 1570A may not be  
3661 used for any other program currently existing under ss. 420.907-  
3662 420.9079, Florida Statutes. Thereafter, the funds shall be  
3663 expended in accordance with ss. 420.907-420.9079, Florida  
3664 Statutes.

3665 (4) Notwithstanding s. 420.9075, Florida Statutes, for  
3666 purposes of the Florida Homebuyer Opportunity Program, the  
3667 following exceptions shall apply:

3668 (a) The maximum income limit shall be an adjusted gross  
3669 income of \$75,000 for single taxpayer households or \$150,000 for  
832405

4/28/2010 12:18 PM

Amendment No.

3670 joint-filing taxpayer households, which is equal to that  
3671 permitted by the American Recovery and Reinvestment Act of 2009;

3672 (b) There is no requirement to reserve 30 percent of the  
3673 funds for awards to very-low-income persons or 30 percent of the  
3674 funds for awards to low-income persons;

3675 (c) There is no requirement to expend 75 percent of funds  
3676 for construction, rehabilitation, or emergency repair; and

3677 (d) The principal balance of the loans provided may not  
3678 exceed 10 percent of the purchase price or \$8,000, whichever is  
3679 less.

3680 (5) Funds shall be expended under a newly created strategy  
3681 in the local housing assistance plan to implement the Florida  
3682 Homebuyer Opportunity Program.

3683 (6) The homebuyer shall be expected to use their federal  
3684 income tax refund to fully repay the loan. If the county or  
3685 eligible municipality receives repayment from the homebuyer  
3686 within 18 months after the closing date of the loan, the county  
3687 or eligible municipality shall waive all interest charges. A  
3688 homebuyer who fails to fully repay the loan within the earlier  
3689 of 18 months or 10 days after the receipt of their federal  
3690 income tax refund, shall be subject to repayment terms provided  
3691 in the local housing assistance plan, including penalties for  
3692 not using his or her refund for repayment. Penalties may not  
3693 exceed 10 percent of the loan amount and shall be included in  
3694 the loan agreement with the homebuyer.

3695 (7) All funds repaid to a county or eligible municipality  
3696 shall be considered "program income" as defined in s.  
3697 420.9071(24), Florida Statutes.

832405

4/28/2010 12:18 PM

Amendment No.

3698 (8) In order to maximize the effect of the funding, the  
3699 counties and eligible municipalities are encouraged to work with  
3700 private lenders to provide additional funds to support the  
3701 initiative. However, in all instances, the counties and eligible  
3702 municipalities shall make and hold the subordinate loan.

3703 (9) This section expires July 1, 2011 ~~2010~~.

3704 Section 43. The Office of Program Policy Analysis and  
3705 Government Accountability shall review and evaluate the Florida  
3706 Enterprise Zone Program in ss. 290.001-290.014, Florida  
3707 Statutes, and submit a report of its findings and  
3708 recommendations to the Governor, the President of the Senate,  
3709 and the Speaker of the House of Representatives by January 11,  
3710 2011. The review shall include, but need not be limited to: how  
3711 the program has changed over the years since it was created;  
3712 whether the program is effectively and efficiently addressing  
3713 the issues that precipitated its creation; the direct and  
3714 indirect costs of the program to the state and local governments  
3715 that participate; whether the program's tax incentives are  
3716 effectively designed to benefit economically distressed or high-  
3717 poverty areas and their residents and business owners; and  
3718 whether the application, review, and approval processes are  
3719 transparent, effective, and efficient.

3720 Section 44. The Office of Program Policy Analysis and  
3721 Government Accountability shall review and evaluate the  
3722 effectiveness and viability of the Florida Research  
3723 Commercialization Matching Grant Program in s. 288.9552, Florida  
3724 Statutes. The office shall specifically evaluate the use of  
3725 federal grants and private investment and the creation of new

832405

4/28/2010 12:18 PM

Amendment No.

3726 businesses and jobs. The office shall also recommend outcome  
3727 measures for further evaluation of the program. The office shall  
3728 submit a report of its findings and recommendations to the  
3729 Governor, the President of the Senate, and the Speaker of the  
3730 House of Representatives by November 1, 2011.

3731 Section 45. (1) Except as provided in subsection (4), a  
3732 development order issued by a local government, a building  
3733 permit, and any permit issued by the Department of Environmental  
3734 Protection or by a water management district pursuant to part IV  
3735 of chapter 373, Florida Statutes, which has an expiration date  
3736 from September 1, 2008, through January 1, 2012, is extended and  
3737 renewed for a period of 2 years after its previously scheduled  
3738 date of expiration. This 2-year extension also applies to  
3739 buildout dates, including any extension of a buildout date that  
3740 was previously granted under s. 380.06(19)(c), Florida Statutes.  
3741 This section does not prohibit conversion from the construction  
3742 phase to the operation phase upon completion of construction.  
3743 This extension is in addition to the 2-year permit extension  
3744 provided under section 14 of chapter 2009-96, Laws of Florida.

3745 (2) The commencement and completion dates for any required  
3746 mitigation associated with a phased construction project are  
3747 extended so that mitigation takes place in the same timeframe  
3748 relative to the phase as originally permitted.

3749 (3) The holder of a valid permit or other authorization  
3750 that is eligible for the 2-year extension must notify the  
3751 authorizing agency in writing by December 31, 2010, identifying  
3752 the specific authorization for which the holder intends to use

832405

4/28/2010 12:18 PM



Amendment No.

3753 the extension and the anticipated timeframe for acting on the  
3754 authorization.

3755 (4) The extension provided for in subsection (1) does not  
3756 apply to:

3757 (a) A permit or other authorization under any programmatic  
3758 or regional general permit issued by the Army Corps of  
3759 Engineers.

3760 (b) A permit or other authorization held by an owner or  
3761 operator determined to be in significant noncompliance with the  
3762 conditions of the permit or authorization as established through  
3763 the issuance of a warning letter or notice of violation, the  
3764 initiation of formal enforcement, or other equivalent action by  
3765 the authorizing agency.

3766 (c) A permit or other authorization, if granted an  
3767 extension that would delay or prevent compliance with a court  
3768 order.

3769 (5) Permits extended under this section shall continue to  
3770 be governed by the rules in effect at the time the permit was  
3771 issued, except if it is demonstrated that the rules in effect at  
3772 the time the permit was issued would create an immediate threat  
3773 to public safety or health. This provision applies to any  
3774 modification of the plans, terms, and conditions of the permit  
3775 which lessens the environmental impact, except that any such  
3776 modification does not extend the time limit beyond 2 additional  
3777 years.

3778 (6) This section does not impair the authority of a county  
3779 or municipality to require the owner of a property that has  
3780 notified the county or municipality of the owner's intent to

832405

4/28/2010 12:18 PM

Amendment No.

3781 receive the extension of time granted pursuant to this section  
3782 to maintain and secure the property in a safe and sanitary  
3783 condition in compliance with applicable laws and ordinances.

3784 Section 46. (1) The Legislature hereby reauthorizes:

3785 (a) Any exemption granted for any project for which an  
3786 application for development approval has been approved or filed  
3787 pursuant to s. 380.06, Florida Statutes, or for which a complete  
3788 development application or rescission request has been approved  
3789 or is pending, and the application or rescission process is  
3790 continuing in good faith, within a development that is located  
3791 within an area that qualified for an exemption under s. 380.06,  
3792 Florida Statutes, as amended by chapter 2009-96, Laws of  
3793 Florida.

3794 (b) Any 2-year extension authorized and timely applied for  
3795 pursuant to section 14 of chapter 2009-96, Laws of Florida.

3796 (c) Any amendment to a local comprehensive plan adopted  
3797 pursuant to s. 163.3184, Florida Statutes, as amended by chapter  
3798 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189,  
3799 Florida Statutes, which authorizes and implements a  
3800 transportation concurrency exception area pursuant to s.  
3801 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws  
3802 of Florida.

3803 (2) Subsection (1) is intended to be remedial in nature  
3804 and to reenact provisions of existing law. This section shall  
3805 apply retroactively to all actions specified in subsection (1)  
3806 and therefore to any such actions lawfully undertaken in  
3807 accordance with chapter 2009-96, Laws of Florida.

832405  
4/28/2010 12:18 PM

Amendment No.

3808       Section 47. The unexpended funds appropriated in Specific  
3809 Appropriation 2649 of chapter 2008-152, Laws of Florida, for  
3810 improvements to Launch Complex 36 on the 45th Space Wing  
3811 property shall revert immediately and are reappropriated for  
3812 state fiscal year 2010-2011 from the Economic Development  
3813 Transportation Trust Fund for improvements to other launch  
3814 complexes and space transportation facilities in order to  
3815 attract new space vehicle testing and launch business to the  
3816 state; to address intermodal requirements and impacts of the  
3817 launch ranges, spaceports, and other space transportation  
3818 facilities; to advance aerospace technology to meet the current  
3819 and future needs of the United States commercial space  
3820 transportation industry; and to assist in the development of  
3821 joint-use facilities and technology that support aviation and  
3822 aerospace operations, including high-altitude and suborbital  
3823 flights and range technology development.

3824       Section 48. The installation of fuel tank upgrades to  
3825 secondary containment systems shall be completed by the  
3826 deadlines specified in rule 62-761.510, Florida Administrative  
3827 Code, Table UST. For fuel service station facilities that have  
3828 orders issued by the Department of Environmental Protection  
3829 before July 1, 2010, granting an extension to the deadline, the  
3830 deadline shall be extended to September 30, 2011. Such  
3831 facilities must be in compliance with all other state and  
3832 federal regulations pertaining to petroleum storage systems.

3833       Section 49. Preference to state residents.-

3834       (1) Each contract for construction that is funded by state  
3835 funds must contain a provision requiring the contractor to give

832405

4/28/2010 12:18 PM

Amendment No.

3836 preference to the employment of state residents in the  
3837 performance of the work on the project if state residents have  
3838 substantially equal qualifications to those of nonresidents. A  
3839 contract for construction funded by local funds may contain such  
3840 a provision.

3841 (a) As used in this section, the term "substantially equal  
3842 qualifications" means the qualifications of two or more persons  
3843 among whom the employer cannot make a reasonable determination  
3844 that the qualifications held by one person are better suited for  
3845 the position than the qualifications held by the other person or  
3846 persons.

3847 (b) A contractor required to employ state residents must  
3848 contact the Agency for Workforce Innovation to post the  
3849 contractor's employment needs in the state's job bank system.

3850 (2) No contract shall be let to any person refusing to  
3851 execute an agreement containing the provisions required by this  
3852 section. However, in work involving the expenditure of federal  
3853 aid funds, this section may not be enforced in such a manner as  
3854 to conflict with or be contrary to federal law prescribing a  
3855 labor preference to honorably discharged soldiers, sailors, or  
3856 marines, or prohibiting as unlawful any other preference or  
3857 discrimination among the citizens of the United States.

3858 Section 50. The Legislature finds that this act fulfills  
3859 an important state interest.

3860 Section 51. If any provision of this act or the  
3861 application thereof to any person or circumstance is held  
3862 invalid, the invalidity shall not affect other provisions or  
3863 applications of the act which can be given effect without the

832405

4/28/2010 12:18 PM

Amendment No.

3864 invalid provision or application, and to this end the provisions  
3865 of this act are declared severable.

3866 Section 52. Effective July 1, 2010, there is appropriated  
3867 for state fiscal year 2010-2011 to the Office of Tourism, Trade,  
3868 and Economic Development within the Executive Office of the  
3869 Governor:

3870 (1) The sum of \$10 million in nonrecurring funds from the  
3871 General Revenue Fund for Space Florida to address financing,  
3872 business development, and infrastructure needs to assist in the  
3873 continued development of the aerospace industry in this state  
3874 and management of state-of-the-art facilities for space  
3875 businesses that will create high-technology, high-wage-earning  
3876 jobs.

3877 (2) The sum of \$3.2 million in nonrecurring funds from the  
3878 General Revenue Fund exclusively for Space Florida to retrain  
3879 workers as the result of the retirement of the Space Shuttle  
3880 Program.

3881 (3) The sum of \$3 million in nonrecurring funds from the  
3882 General Revenue Fund for the exclusive purpose of providing  
3883 targeted-business-development support services and business  
3884 recruitment through Space Florida. Activities and services may  
3885 include, but are not limited to, securing federal programs and  
3886 processes, identifying and securing new contract and grant  
3887 opportunities for businesses in this state, assisting businesses  
3888 in establishing operations, securing necessary qualifications  
3889 and approvals, obtaining capital, and engaging company and  
3890 federal officials to site new program elements including  
3891 research, design, testing, and manufacturing work packages in

832405

4/28/2010 12:18 PM

Amendment No.

3892 this state. Emphasis will be placed on assisting small- to  
3893 medium-sized businesses on a statewide basis. These funds may  
3894 not be used for administrative or operational costs of Space  
3895 Florida.

3896 (4) The sum of \$3 million in nonrecurring funds from the  
3897 General Revenue Fund to provide local government distressed area  
3898 matching grants pursuant to s. 288.0659, Florida Statutes.  
3899 Notwithstanding s. 216.301, Florida Statutes, and pursuant to s.  
3900 216.351, Florida Statutes, any funds remaining from this  
3901 appropriation as of June 30, 2011, shall remain available for  
3902 carrying out the purpose of s. 288.0659, Florida Statutes.

3903 (5) The sum of \$1 million in nonrecurring funds from the  
3904 General Revenue Fund for the purposes of the Economic Gardening  
3905 Technical Assistance Pilot Program pursuant to s. 288.1082,  
3906 Florida Statutes, notwithstanding section 4 of chapter 2009-13,  
3907 Laws of Florida.

3908 (6) The sum of \$2 million in nonrecurring funds from the  
3909 General Revenue Fund for the purposes of the Defense  
3910 Infrastructure Grant Program pursuant to s. 288.980(4), Florida  
3911 Statutes.

3912 (7) The sums of \$94,250 in recurring funds and \$3,877 in  
3913 nonrecurring funds from the General Revenue Fund and one  
3914 additional full-time equivalent position and the associated  
3915 salary rate of \$67,001 is authorized, for the purpose of  
3916 administering the provisions of this act relating to the Office  
3917 of Tourism, Trade, and Economic Development.

3918 (8) The sum of \$2.9 million in nonrecurring funds from the  
3919 General Revenue Fund for the Florida Export Finance Corporation

832405

4/28/2010 12:18 PM

Amendment No.

3920 for the purpose of capitalizing a self-sustaining cash  
3921 collateral fund to be available to lenders participating in the  
3922 corporation's existing loan guarantee program. The cash  
3923 collateral fund must complement the corporation's existing loan  
3924 and loan guarantee programs and otherwise comply with the  
3925 requirements of part V of chapter 288, Florida Statutes.

3926 Section 53. (1) Effective July 1, 2010, for the 2010-2011  
3927 state fiscal year, the sum of \$2 million in nonrecurring funds  
3928 from the General Revenue Fund is appropriated to the Board of  
3929 Governors of the State University System solely for the State  
3930 University Research Commercialization Assistance Grant Program,  
3931 pursuant to s. 1004.226(7), Florida Statutes. The Florida  
3932 Technology, Research, and Scholarship Board shall solicit  
3933 proposals in accordance with s. 1004.226(7)(b), Florida  
3934 Statutes, no later than August 1, 2010, and shall grant awards  
3935 no later than October 30, 2010.

3936 (2)(a) Effective July 1, 2010, there is appropriated for  
3937 the 2010-2011 state fiscal year to the Office of Tourism, Trade,  
3938 and Economic Development within the Executive Office of the  
3939 Governor:

3940 1. The sum of \$1 million in nonrecurring funds from the  
3941 General Revenue Fund for the purposes of the Economic Gardening  
3942 Technical Assistance Pilot Program pursuant to section 288.1082,  
3943 Florida Statutes, notwithstanding section 4 of Chapter 2009-13,  
3944 Laws of Florida.

3945 2. The sum of \$2 million in nonrecurring funds from the  
3946 General Revenue Fund for the purposes of the Defense

832405

4/28/2010 12:18 PM

Amendment No.

3947 Infrastructure Grant Program pursuant to s. 288.980(4), Florida  
3948 Statutes.

3949 3. The sum of \$15 million in nonrecurring funds from the  
3950 General Revenue Fund for the purposes of the Quick Action  
3951 Closing Fund pursuant to section 288.1088, Florida Statutes.

3952 4. The sum of \$2 million in nonrecurring funds from the  
3953 General Revenue Fund for the Florida Export Finance Corporation  
3954 for the purpose of capitalizing a self-sustaining cash  
3955 collateral fund to be available to lenders participating in the  
3956 corporation's existing loan guarantee program. The cash  
3957 collateral fund must complement the corporation's existing loan  
3958 and loan guarantee programs and otherwise comply with the  
3959 requirements of part V of chapter 288, Florida Statutes.

3960 (b) The funding provided in paragraph (a) is contingent  
3961 upon the enactment of federal law which extends the enhanced  
3962 Federal Medicaid Assistance Percentage rate, as provided under  
3963 the American Reinvestment and Recovery Act (P.L. 111-5), from  
3964 December 31, 2010, through June 30, 2011.

3965 Section 54. Effective July 1, 2010, the sum of \$3 million  
3966 in nonrecurring funds from the General Revenue Fund is  
3967 appropriated to the Institute for the Commercialization of  
3968 Public Research solely for purposes of the Florida Research  
3969 Commercialization Grant Program, pursuant to s. 288.9552,  
3970 Florida Statutes, of which up to \$750,000 may be used for Phase  
3971 I grants.

3972 Section 55. Except as otherwise expressly provided in this  
3973 act, this act shall take effect upon becoming a law.

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832405

4/28/2010 12:18 PM



Amendment No.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 196.1995, F.S.; authorizing counties and municipalities to extend economic development ad valorem tax exemptions under certain circumstances; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.031, F.S.; providing a partial exemption from the tax on renting, leasing, letting, or granting a license for the use of real property for property rented, leased, subleased, or licensed to a person providing certain services at convention

832405

4/28/2010 12:18 PM

Amendment No.

4003 halls, civic centers, or public lodging establishments;  
4004 providing for application only to certain portions of payments;  
4005 providing for retroactive application; amending s. 212.04, F.S.;  
4006 extending certain exemptions from the admissions tax; expanding  
4007 an exemption for admissions to certain professional sporting  
4008 events; amending s. 212.05, F.S.; deleting a requirement that a  
4009 certain penalty is mandatory and not waivable by the Department  
4010 of Revenue; deleting authorization to return certain aircraft to  
4011 the state for repairs without liability for taxes and penalty  
4012 under certain circumstances; imposing a maximum limitation on  
4013 the amount of tax collected on sales of boats in this state;  
4014 creating s. 212.0597, F.S.; providing a maximum tax on the sale  
4015 or use of fractional aircraft ownership interests; amending s.  
4016 212.08, F.S.; redefining the terms "real property" and  
4017 "rehabilitation of real property" for purposes of the sales tax  
4018 exemption on certain building materials used in the  
4019 rehabilitation of real property used in an enterprise zone;  
4020 specifying procedures to claim a sales tax credit under the  
4021 entertainment industry financial incentive program; providing an  
4022 exemption from the use tax for an aircraft that temporarily  
4023 enters the state or is temporarily in the state for certain  
4024 purposes; requiring documentation that identifies the aircraft  
4025 in order to qualify for the exemption; providing that the  
4026 exemption is in addition to certain other exemptions; providing  
4027 tax exemptions on the sale or use of aircraft primarily used in  
4028 a fractional aircraft ownership program and for the parts and  
4029 labor used in the maintenance, repair, and overhaul of such  
4030 aircraft; authorizing the department to adopt rules; amending s.

832405

4/28/2010 12:18 PM

Amendment No.

4031 213.053, F.S.; authorizing the Department of Revenue to provide  
4032 tax credit information to the Office of Film and Entertainment  
4033 and the Office of Tourism, Trade, and Economic Development;  
4034 amending s. 220.02, F.S.; providing for tax credits pursuant to  
4035 the entertainment industry financial incentive program and the  
4036 jobs for the unemployed tax credit program to be taken against  
4037 the corporate income tax or the franchise tax after other  
4038 existing credits are taken; amending s. 220.13, F.S.; revising  
4039 the calculation of additions to adjusted federal income;  
4040 creating s. 220.1896, F.S.; creating the jobs for the unemployed  
4041 tax credit program to provide a tax credit to certain businesses  
4042 that employ certain individuals who were previously unemployed  
4043 after a certain date; providing for applications for  
4044 certification under the program to be reviewed by Enterprise  
4045 Florida, Inc., and the Office of Tourism, Trade, and Economic  
4046 Development; providing criminal penalties for fraudulent claims  
4047 of a tax credit; authorizing the Office of Tourism, Trade, and  
4048 Economic Development and the Department of Revenue to adopt  
4049 rules; providing for the expiration of the tax credit program;  
4050 creating s. 220.1899, F.S.; providing for credits against the  
4051 corporate income tax in the amounts awarded under the  
4052 entertainment industry financial incentive program; providing  
4053 for carryforward of the tax credits under certain circumstances;  
4054 amending s. 288.018, F.S.; revising the allowable uses for  
4055 matching grants awarded under the Regional Rural Development  
4056 Grants Program; creating s. 288.0659, F.S.; creating the Local  
4057 Government Distressed Area Matching Grant Program within the  
4058 Office of Tourism, Trade, and Economic Development; providing a  
832405

4/28/2010 12:18 PM

Amendment No.

4059 program purpose; providing definitions; authorizing the office  
4060 to accept and administer appropriated moneys to provide local  
4061 government distressed area matching grants; authorizing local  
4062 governments to apply for grants to match qualified business  
4063 assistance; providing qualifying requirements for targeted  
4064 businesses; specifying evaluation criteria for reviewing grant  
4065 requests; subjecting grant approval to legislative  
4066 appropriation; providing limitations on expending funds;  
4067 providing procedures for approving grant allocations or  
4068 disapproving application; providing a process for making  
4069 preliminary and final grant awards; providing requirements for  
4070 grant recipients; providing for revocation of grants; limiting  
4071 the grant amount for the qualified business assistance;  
4072 authorizing the office to retain certain funds for  
4073 administrative costs; amending s. 288.1045, F.S.; revising the  
4074 definition of the term "jobs" for purposes of the qualified  
4075 defense contractor and space flight business tax refund program;  
4076 amending s. 288.106, F.S.; revising definitions, refund amounts,  
4077 eligibility, requirements, and procedures for the tax refund  
4078 program for qualified target industry businesses; amending s.  
4079 288.107, F.S.; revising the definition of the term "jobs" for  
4080 purposes of brownfield redevelopment bonus refunds; correcting a  
4081 cross-reference; amending s. 288.108, F.S.; revising the  
4082 definitions of the terms "eligible high-impact business" and  
4083 "jobs" for purposes of high-impact sector performance grants;  
4084 revising the guidelines for negotiating the award of high-impact  
4085 sector performance grants; creating s. 288.1083, F.S.; creating  
4086 the Manufacturing and Spaceport Investment Incentive Program

832405

4/28/2010 12:18 PM

Amendment No.

4087 within the Office of Tourism, Trade and Economic Development;  
4088 providing a purpose; providing definitions; providing for  
4089 refunds of sales and use taxes paid on certain equipment  
4090 purchases; providing for allocation of refunds by the office;  
4091 limiting the amount of individual refunds; providing application  
4092 requirements and procedures; providing for priority of  
4093 allocations; providing requirements and procedures for  
4094 certification of refunds for eligible equipment purchases;  
4095 providing procedures for allocating surplus amounts; providing  
4096 refund limitations; requiring the office to adopt emergency  
4097 rules; authorizing the office to establish guideline for  
4098 demonstrating certain purchases; providing for future repeal;  
4099 amending s. 288.1088, F.S.; revising the process for legislative  
4100 consultation and review of Quick Action Closing Fund projects;  
4101 authorizing certain Quick Action Closing Fund businesses to  
4102 request renegotiation of their contracts; providing for review  
4103 and approval of the requests; providing for the return of funds  
4104 under certain circumstances; providing for the reappropriation  
4105 of returned funds; providing for expiration; requiring that  
4106 certain funds be placed in reserve; providing for the release of  
4107 funds; providing for the reversion of funds; amending s.  
4108 288.1089, F.S.; revising the definitions of the term "jobs" for  
4109 purposes of the Innovation Incentive Program; amending s.  
4110 288.125, F.S.; redefining the term "entertainment industry" to  
4111 include digital media projects; amending s. 288.1251, F.S.;  
4112 requiring the Office of Film and Entertainment to update its  
4113 strategic plan every 5 years; deleting requirements for the  
4114 Office of Film and Entertainment to represent certain

832405

4/28/2010 12:18 PM

Amendment No.

4115 decisionmakers within the entertainment industry and to act as a  
4116 liaison between entertainment industry producers and labor  
4117 organizations; amending s. 288.1252, F.S.; deleting obsolete  
4118 provisions; deleting the requirement for the Commissioner of  
4119 Film and Entertainment and a representative of the Florida  
4120 Tourism Marketing Council to serve as ex officio members of the  
4121 Film and Entertainment Advisory Council; amending s. 288.1253,  
4122 F.S.; eliminating provisions authorizing the payment of travel  
4123 expenses to persons other than employees of the Office of Film  
4124 and Entertainment, the Governor and Lieutenant Governor, and  
4125 security staff; providing for the payment of travel expenses  
4126 through reimbursements; amending s. 288.1254, F.S.; revising the  
4127 entertainment industry financial incentive program to provide  
4128 corporate income tax and sales and use tax credits to qualified  
4129 entertainment entities rather than reimbursements from  
4130 appropriations; revising provisions relating to definitions,  
4131 creation and scope, application procedures, approval process,  
4132 eligibility, required documents, qualified and certified  
4133 productions, and annual reports; providing duties and  
4134 responsibilities of the Office of Film and Entertainment, the  
4135 Office of Tourism, Trade, and Economic Development, and the  
4136 Department of Revenue relating to the tax credits; providing  
4137 criteria and limitations for awards of tax credits; providing  
4138 for uses, allocations, election, distributions, and carryforward  
4139 of the tax credits; providing for withdrawal of tax credit  
4140 eligibility; providing for use of consolidated returns;  
4141 providing for partnership and noncorporate distributions of tax  
4142 credits; providing for succession of tax credits; providing for  
832405

4/28/2010 12:18 PM

Amendment No.

4143 relinquishment of tax credits; providing requirements for  
4144 transfer of tax credits; authorizing the Office of Tourism,  
4145 Trade, and Economic Development to adopt rules, policies, and  
4146 procedures; authorizing the Department of Revenue to adopt rules  
4147 and conduct audits; providing for revocation and forfeiture of  
4148 tax credits; providing liability for reimbursement of certain  
4149 costs and fees associated with a fraudulent claim; requiring an  
4150 annual report to the Governor and the Legislature; providing for  
4151 future repeal; amending s. 288.1258, F.S.; requiring the Office  
4152 of Film and Entertainment to include in its records certain  
4153 ratios of tax exemptions and incentives to the estimated funds  
4154 expended by a certified production; creating s. 288.9552, F.S.;  
4155 creating the Florida Research Commercialization Matching Grant  
4156 Program; providing program purposes, goals and objectives;  
4157 providing for administration of the program by the Florida  
4158 Institute for the Commercialization of Public Research;  
4159 providing eligibility guidelines; providing application  
4160 guidelines; providing peer review guidelines; providing  
4161 responsibilities of the program administrator; providing  
4162 application review requirements and procedures; providing for  
4163 grant awards; providing reporting requirements; providing for  
4164 expiration unless reviewed and reenacted; amending s. 288.9625,  
4165 F.S.; revising the purpose of the Institute for the  
4166 Commercialization of Public Research; deleting a requirement  
4167 that Enterprise Florida, Inc., contract with a state university  
4168 to fulfill the purposes of the institute; revising the  
4169 institute's powers and duties; requiring the institute to  
4170 administer a matching grant program to provide financial

832405

4/28/2010 12:18 PM

Amendment No.

4171 assistance for certain early stage companies; amending ss.  
4172 288.9621, 288.9622, and 288.9623, F.S.; conforming a short  
4173 title, revising legislative findings and intent, and providing  
4174 definitions for the Florida Capital Formation Act; conforming  
4175 cross-references; creating s. 288.9627, F.S.; providing for  
4176 creation of the Florida Infrastructure Fund Partnership;  
4177 providing the partnership's purpose and duties; providing for  
4178 management of the partnership by the Florida Opportunity Fund;  
4179 authorizing the fund to lend moneys to the partnership;  
4180 requiring the partnership to raise funds from investment  
4181 partners; providing for commitment agreements with and issuance  
4182 of certificates to investment partners; authorizing the  
4183 partnership to invest in certain infrastructure projects;  
4184 requiring the partnership to submit an annual report to the  
4185 Governor and Legislature; prohibiting the partnership and the  
4186 fund from pledging the credit or taxing power of the state or  
4187 its political subdivisions; prohibiting the partnership from  
4188 investing in projects with or accepting investments from certain  
4189 companies; creating s. 288.9628, F.S.; creating the Florida  
4190 Infrastructure Investment Trust; providing for powers and  
4191 duties, a board of trustees, and an administrative officer of  
4192 the trust; providing for the trust's issuance of certificates to  
4193 investment partners who invest in the partnership; specifying  
4194 that the certificates are redeemable for tax credits under  
4195 certain conditions; authorizing the trust to charge fees;  
4196 limiting the amount of tax credits issued and the amount of tax  
4197 credits that may be claimed or applied against state taxes in  
4198 any year; providing for the redemption or sale of certificates;

832405

4/28/2010 12:18 PM



Amendment No.

4199 providing for the issuance of the tax credits by the Department  
4200 of Revenue; specifying the taxes against which the credits may  
4201 be applied; limiting the period within which tax credits may be  
4202 used; providing for the state's obligation for use of the tax  
4203 credits; limiting the liability of the fund; requiring the  
4204 department to provide a certain written assurance to the trust  
4205 under certain circumstances; specifying that certain provisions  
4206 regulating securities transactions do not apply to certificates  
4207 and tax credits transferred or sold under the act; amending s.  
4208 213.053, F.S.; authorizing the department to provide tax credit  
4209 information to the partnership and the trust; amending s.  
4210 288.9913, F.S.; revising the definition of the term "qualified  
4211 active low-income community business" for purposes of the New  
4212 Markets Development Program Act; amending s. 288.9920, F.S.;;  
4213 extending the period within which a qualified community  
4214 development entity may cure an investment deficiency; limiting  
4215 the number of corrections permitted for qualified equity  
4216 investments; amending s. 373.441, F.S.; revising provisions  
4217 relating to adoption of rules relating to permitting; requiring  
4218 the Department of Environmental Protection to adopt rules that  
4219 authorize a local government to petition the Governor and  
4220 Cabinet for certain delegation requests; requiring the  
4221 Department of Environmental Protection to detail the statutes or  
4222 rules that were not satisfied by a local government that made a  
4223 request for delegation and to detail actions that could be taken  
4224 to allow for delegation; authorizing a local government to  
4225 petition the Governor and Cabinet to review the denial of a  
4226 delegation request; providing for approval of a delegation of  
832405

4/28/2010 12:18 PM

Amendment No.

4227 authority that meets the requirements of certain rule  
4228 provisions; amending s. 403.061, F.S.; directing the Department  
4229 of Environmental Protection to expand the use of online self-  
4230 certification for certain exemptions and permits; limiting the  
4231 authority of local governments to specify the method or form for  
4232 documenting that projects qualify for exemptions or permits;  
4233 amending s. 47 of chapter 2009-82, Laws of Florida; delaying the  
4234 expiration of the Florida Homebuyer Opportunity Program;  
4235 requiring the Office of Program Policy Analysis and Government  
4236 Accountability to review the Enterprise Zone Program and submit  
4237 a report of its findings and recommendations to the Governor,  
4238 the President of the Senate, and the Speaker of the House of  
4239 Representatives; requiring the Office of Program Policy Analysis  
4240 and Government Accountability to review and evaluate the  
4241 Research Commercialization Matching Grant Program and submit a  
4242 report of its findings to the Governor, the President of the  
4243 Senate, and the Speaker of the House of Representatives;  
4244 extending the expiration dates of certain permits issued by the  
4245 Department of Environmental Protection or a water management  
4246 district; extending certain previously granted buildout dates;  
4247 requiring a permit holder to notify the authorizing agency of its  
4248 intended use of the extension; exempting certain permits from  
4249 eligibility for an extension; providing for applicability of  
4250 rules governing permits; declaring that certain provisions do  
4251 not impair the authority of counties and municipalities under  
4252 certain circumstances; providing legislative intent;  
4253 reauthorizing certain exemptions, 2-year extensions, and local  
4254 comprehensive plan amendments granted, authorized, or adopted

832405

4/28/2010 12:18 PM

Amendment No.

4255 under general law and in effect as of a certain date; providing  
4256 construction; providing for retroactive application; authorizing  
4257 the funds in specific appropriation 2649 of chapter 2008-152,  
4258 Laws of Florida, to be used for additional space-related  
4259 economic-development purposes; specifying requirements for fuel  
4260 tank upgrades; extending certain fuel service facility order  
4261 deadlines; specifying compliance requirements; requiring that  
4262 construction contracts funded by state funds contain a provision  
4263 requiring the contractor to give preference to the employment of  
4264 state residents if they have substantially equal qualifications  
4265 as nonresidents; defining the term "substantially equal  
4266 qualifications"; providing a finding that the act fulfills an  
4267 important state interest; providing severability; providing  
4268 appropriations; providing effective dates.