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1
 2 An act relating to economic programs; providing for a
 3 type two transfer of the duties and functions of
 4 Enterprise Florida, Inc., to the Department of
 5 Commerce; providing legislative intent; providing for
 6 a transition period; requiring the department and
 7 Enterprise Florida, Inc., to coordinate the
 8 development and implementation of a transition plan;
 9 providing requirements for the transition plan;
 10 specifying that certain binding contracts remain
 11 binding; requiring the transfer of specified funds;
 12 requiring the department to submit specified
 13 amendments and information to the Federal Government
 14 and seek specified waivers; requiring the Division of
 15 Law Revision to provide assistance to specified
 16 committees for certain purposes; prohibiting certain
 17 actions from being taken relating to specified
 18 programs and corporations; specifying that certain
 19 certifications are rescinded; specifying that existing
 20 contracts or agreements authorized under or by such
 21 programs or corporations continue in full force and
 22 effect; providing appropriations; amending ss. 11.45,
 23 14.32, 15.18, 15.182, and 20.435, F.S.; conforming
 24 provisions to changes made by the act; amending s.
 25 20.60, F.S.; renaming the Department of Economic

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26 Opportunity as the Department of Commerce; designating
 27 the head of the department as the Secretary of
 28 Commerce; requiring the secretary to serve as the
 29 Governor's chief negotiator for certain purposes;
 30 renaming the Division of Strategic Business
 31 Development as the Division of Economic Development;
 32 revising the duties and purposes of the department;
 33 revising the duties of the Division of Workforce
 34 Services; conforming provisions to changes made by the
 35 act; repealing s. 20.601, F.S., relating to review of
 36 the Department of Economic Opportunity; amending s.
 37 159.803, F.S.; requiring the department to develop
 38 certain protocols and measures; conforming provisions
 39 to changes made by the act; amending ss. 189.033,
 40 196.012, 212.08, 212.098, 212.20, 212.205, 213.053,
 41 218.64, 220.02, 220.13, and 220.16, F.S.; conforming
 42 provisions to changes made by the act; repealing s.
 43 220.1899, F.S., relating to an entertainment industry
 44 tax credit; amending s. 220.191, F.S.; defining the
 45 term "average private sector wage in the area";
 46 conforming provisions to changes made by the act;
 47 repealing s. 220.194, F.S., relating to corporate
 48 income tax credits for spaceflight projects; amending
 49 ss. 220.196, 272.11, 287.0947, and 287.137, F.S.;
 50 conforming provisions to changes made by the act;

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51 | amending s. 288.0001, F.S.; revising required analyses
 52 | provided by the Office of Economic and Demographic
 53 | Research and Office of Program Policy Analysis and
 54 | Government Accountability; conforming provisions to
 55 | changes made by the act; amending ss. 288.001 and
 56 | 288.005, F.S.; conforming provisions to changes made
 57 | by the act; amending s. 288.012, F.S.; requiring the
 58 | department to establish and contract with a direct-
 59 | support organization for a specified purpose;
 60 | providing requirements and authorizations relating to
 61 | the direct-support organization; requiring the
 62 | Secretary of Commerce to appoint board members for the
 63 | direct-support organization; providing requirements
 64 | for senior managers and members of the board;
 65 | subjecting the direct-support organization to public
 66 | records and meetings requirements; providing
 67 | requirements for the contract between the department
 68 | and the direct-support organization; requiring the
 69 | department to make a specified annual determination
 70 | relating to the direct-support organization; requiring
 71 | the department to submit a proposed operating budget
 72 | for the direct-support organization to the Governor
 73 | and the Legislature; providing for a future repeal;
 74 | conforming provisions to changes made by the act;
 75 | amending s. 288.017, F.S.; providing authority to the

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76 Florida Tourism Industry Marketing Corporation, rather
 77 than Enterprise Florida, Inc., to establish and
 78 administer a cooperative advertising matching grants
 79 program; conforming provisions to changes made by the
 80 act; amending ss. 288.018, 288.047, 288.061, 288.0655,
 81 288.0656, 288.0658, 288.075, and 288.076, F.S.;

82 conforming provisions to changes made by the act;
 83 amending s. 288.095, F.S.; requiring the department to
 84 issue quarterly reports relating to the status of
 85 certain payments and escrow activity to specified
 86 entities; requiring the department to create a
 87 separate account for specified transferred funds;
 88 requiring the department to transfer payments to the
 89 General Revenue Fund; conforming provisions to changes
 90 made by the act; amending s. 288.101, F.S.; revising
 91 authorizations relating to the Florida Job Growth
 92 Grant Fund; conforming provisions to changes made by
 93 the act; repealing ss. 288.1045 and 288.106, F.S.,
 94 relating to the qualified defense contractor and space
 95 flight business tax refund program and a tax refund
 96 program for qualified target industry businesses,
 97 respectively; amending 288.107, F.S.; revising
 98 requirements relating to brownfield redevelopment
 99 bonus refunds; authorizing the department to adopt
 100 rules; conforming provisions to changes made by the

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101 act; amending s. 288.108, F.S.; conforming provisions
 102 to changes made by the act; repealing ss. 288.1081,
 103 288.1082, 288.1088, and 288.1089, F.S., relating to
 104 the Economic Gardening Business Loan Pilot Program,
 105 the Economic Gardening Technical Assistance Pilot
 106 Program, the Quick Action Closing Fund, and the
 107 Innovation Incentive Program, respectively; amending
 108 ss. 288.111, 288.11621, and 288.11631, F.S.;
 109 conforming provisions to changes made by the act;
 110 repealing ss. 288.1168, 288.1169, and 288.1171, F.S.,
 111 relating to the professional golf hall of fame
 112 facility, the International Game Fish Association
 113 World Center facility, and motorsports entertainment
 114 complexes, respectively; amending s. 288.122, F.S.;
 115 conforming a provision to changes made by the act;
 116 amending s. 288.1226, F.S.; relocating provisions
 117 relating to a specified 4-year marketing plan and an
 118 annual report; conforming provisions to changes made
 119 by the act; amending s. 288.12265, F.S.; transferring
 120 responsibility for administering and operating welcome
 121 centers from Enterprise Florida, Inc., to the Florida
 122 Tourism Industry Marketing Corporation; reviving,
 123 readopting, and amending s. 288.1229, F.S., relating
 124 to promotion and development of sports-related
 125 industries and amateur athletics; requiring the

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126 department to establish the Florida Sports Foundation
 127 direct-support organization; providing requirements
 128 for the foundation, including development of the
 129 Florida Senior Games; providing and revising
 130 requirements for the Florida Senior Games and the
 131 Sunshine State Games, respectively; conforming
 132 provisions to changes made by the act; amending s.
 133 288.125, F.S.; conforming a provision to changes made
 134 by the act; repealing ss. 288.1251, 288.1252,
 135 288.1253, and 288.1254, F.S., relating to the
 136 promotion and development of the entertainment
 137 industry by the Office of Film and Entertainment, the
 138 Florida Film and Entertainment Advisory Council,
 139 certain travel and entertainment expenses, and an
 140 entertainment industry financial incentive program,
 141 respectively; amending ss. 288.1258, 288.7015,
 142 288.706, 288.773, 288.776, 288.7771, 288.816, and
 143 288.826, F.S.; conforming provisions to changes made
 144 by the act; repealing ss. 288.901, 288.9015, 288.903,
 145 288.904, 288.905, and 288.906, F.S., relating to
 146 Enterprise Florida, Inc., powers of board of directors
 147 of Enterprise Florida, Inc., duties of Enterprise
 148 Florida, Inc., funding for Enterprise Florida, Inc.,
 149 the president and employees of Enterprise Florida,
 150 Inc., and the annual report and audits of Enterprise

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151 Florida, Inc., and its divisions, respectively;
 152 renumbering and amending s. 288.907, F.S.; revising
 153 requirements for annual incentives reports; conforming
 154 provisions to changes made by the act; repealing s.
 155 288.911, F.S., relating to the creation and
 156 implementation of a marketing and image campaign;
 157 renumbering and amending s. 288.912, F.S.; conforming
 158 provisions to changes made by the act; repealing ss.
 159 288.92, 288.923, 288.95155, and 288.9519, F.S.,
 160 relating to the divisions of Enterprise Florida, Inc.,
 161 the Division of Tourism Marketing, the Florida Small
 162 Business Technology Growth Program, and a not-for-
 163 profit corporation intended to promote the
 164 competitiveness and profitability of high-technology
 165 business and industry, respectively; renumbering and
 166 amending s. 288.9520, F.S.; specifying that the
 167 department is the custodian of certain public records;
 168 conforming provisions to changes made by the act;
 169 repealing s. 288.955, F.S., relating to Scripps
 170 Florida Funding Corporation; amending s. 288.9603,
 171 F.S.; conforming a provision to changes made by the
 172 act; amending s. 288.9604, F.S.; removing the future
 173 repeal of the Florida Development Finance Corporation;
 174 amending ss. 288.9605, 288.9614, 288.9624, 288.9625,
 175 288.96255, 288.980, and 288.987, F.S.; conforming

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176 provisions to changes made by the act; repealing ss.
 177 288.991, 288.9912, 288.9913, 288.9914, 288.9915,
 178 288.9916, 288.9917, 288.9918, 288.9919, 288.9920,
 179 288.9921, and 288.9922, F.S., relating to the New
 180 Markets Development Program Act; amending s. 288.9932,
 181 F.S.; deleting the definition of the term "domiciled
 182 in this state"; repealing s. 288.9934, F.S., relating
 183 to the Microfinance Loan Program; amending s.
 184 288.9935, F.S.; conforming provisions to changes made
 185 by the act; repealing ss. 288.9936 and 288.9937, F.S.,
 186 relating to the annual report of the Microfinance Loan
 187 Program and the evaluation of certain programs,
 188 respectively; amending ss. 288.9961, 290.0056,
 189 290.0065, 290.00677, 290.053, 295.22, 320.08058,
 190 339.2821, 377.703, 377.804, 377.809, 380.0657,
 191 403.7032, 403.973, 443.091, 443.191, 445.004, 445.045,
 192 446.44, 477.0135, 570.81, 570.85, 625.3255, 657.042,
 193 658.67, 1004.015, 1004.65, 1004.78, and 1011.76, F.S.;
 194 conforming provisions to changes made by the act;
 195 directing the Division of Law Revision to prepare a
 196 reviser's bill for a specified purpose; providing
 197 legislative intent; providing an effective date.

199 Be It Enacted by the Legislature of the State of Florida:
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201 Section 1. (1) All duties, functions, records, pending
 202 issues, existing contracts, administrative authority,
 203 administrative rules, and unexpended balances of appropriations,
 204 allocations, and other public funds relating to Enterprise
 205 Florida, Inc., are transferred by a type two transfer, as
 206 defined in s. 20.06, Florida Statutes, to the Department of
 207 Commerce, as created by this act.

208 (2) It is the intent of the Legislature that the changes
 209 made by this act be accomplished with minimal disruption of
 210 services provided to the public and with minimal disruption to
 211 employees of any organization. To that end, the Legislature
 212 directs all applicable units of state government to contribute
 213 to the successful implementation of this act, and the
 214 Legislature believes that a transition period between July 1,
 215 2023, and December 1, 2023, is appropriate and warranted.

216 (3) (a) The Department of Commerce, as created by this act,
 217 and Enterprise Florida, Inc., shall each coordinate the
 218 development and implementation of a transition plan by August 1,
 219 2023, that supports the implementation of this act. The
 220 department shall coordinate the submission of any budget
 221 amendments, in accordance with chapter 216, Florida Statutes,
 222 which may be necessary to implement this act.

223 (b) The Legislature directs that notwithstanding the
 224 changes made by this act, Enterprise Florida, Inc., may continue
 225 with such powers, duties, functions, records, offices,

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226 personnel, property, pending issues, and existing contracts as
 227 provided in Florida Statutes 2022 until December 1, 2023, except
 228 that the board of directors shall stand repealed on October 1,
 229 2023. The president of Enterprise Florida, Inc., shall continue
 230 the operations of the direct-support organization until full
 231 implementation of the transition plan or December 1, 2023,
 232 whichever occurs first. The transition plan shall provide for
 233 transfer of powers, duties, functions, records, offices,
 234 personnel, property, pending issues, and existing contracts
 235 related to international business development and trade to the
 236 direct-support organization created under s. 288.012, Florida
 237 Statutes.

238 (4) The transfer of any program, activity, duty, or
 239 function under this act includes the transfer of any records and
 240 unexpended balances of appropriations, allocations, or other
 241 funds related to such program, activity, duty, or function.
 242 Unless otherwise provided, the successor organization to any
 243 program, activity, duty, or function transferred under this act
 244 shall become the custodian of any property of the organization
 245 that was responsible for the program, activity, duty, or
 246 function immediately prior to the transfer.

247 (5) Any binding contract or interagency agreement existing
 248 before December 1, 2023, between Enterprise Florida, Inc., and
 249 any other agency, entity, or person shall continue as a binding
 250 contract or agreement for the remainder of the term of such

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251 contract or agreement on the successor department, agency, or
 252 entity responsible for the program, activity, or functions
 253 relative to the contract or agreement.

254 (6) Any funds held in trust which were donated to or
 255 earned by the Division of International Trade and Business
 256 Development, the Division of Sports Industry Development, or the
 257 Division of Tourism Marketing of Enterprise Florida, Inc., shall
 258 be transferred to the direct-support organization created under
 259 s. 288.012, Florida Statutes, the Florida Tourism Industry
 260 Marketing Corporation, or the Florida Sports Foundation, as
 261 appropriate, for the original purposes of the funds.

262 (7) The department shall submit in a timely manner to the
 263 applicable federal departments or agencies any necessary
 264 amendments or supplemental information concerning plans which
 265 the state or one of the entities is required to submit to the
 266 Federal Government in connection with any federal or state
 267 program. The department shall seek any waivers from the
 268 requirements of federal law or rules which may be necessary to
 269 administer the provisions of this act.

270 Section 2. The Legislature recognizes that there is a need
 271 to conform the Florida Statutes to the policy decisions
 272 reflected in this act and that there is a need to resolve
 273 apparent conflicts between any other legislation that has been
 274 or may be enacted during the 2023 Regular Session of the
 275 Legislature and the transfer of duties made by this act.

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276 Therefore, in the interim between this act becoming law and the
277 2024 Regular Session of the Legislature or an earlier special
278 session addressing this issue, the Division of Law Revision
279 shall provide the relevant substantive committees of the Senate
280 and the House of Representatives with assistance, upon request,
281 to enable such committees to prepare draft legislation to
282 conform the Florida Statutes and any legislation enacted during
283 2023 to the provisions of this act.

284 Section 3. For programs or corporations established
285 pursuant to s. 220.1899, s. 220.194, s. 288.1045, s. 288.106, s.
286 288.1081, s. 288.1082, s. 288.1088, s. 288.1089, s. 288.1171, s.
287 288.95155, s. 288.955, s. 288.9916, or s. 288.9934, Florida
288 Statutes, no new or additional applications or certifications
289 shall be approved, no new letters of certification may be
290 issued, no new contracts or agreements may be executed, and no
291 new awards may be made. All certifications issued under such
292 sections are rescinded except for the certifications of those
293 certified applicants or projects that continue to meet the
294 applicable criteria that was in effect before July 1, 2023. Any
295 existing contracts or agreements authorized under any of these
296 programs shall continue in full force and effect in accordance
297 with the statutory requirements in effect when the contract or
298 agreement was executed or last modified. However, no further
299 modifications, extensions, or waivers may be made or granted
300 relating to such contracts or agreements except computations by

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301 the Department of Revenue of the income generated by or arising
302 out of the qualifying project.

303 Section 4. (1) For the 2023-2024 fiscal year, the sum of
304 \$5 million in recurring funds from the Florida International
305 Trade and Promotion Trust Fund is appropriated to the direct-
306 support organization created under s. 288.012, Florida Statutes.

307 (2) For the 2023-2024 fiscal year, 20 full-time equivalent
308 positions with associated salary rate of 1,406,860 are
309 authorized and the sum of \$5 million in recurring funds from the
310 State Economic Enhancement and Development Trust Fund is
311 appropriated to the Department of Commerce, as created by this
312 act, to carry-out the provisions of this act.

313 (3) For the 2023-2024 fiscal year, the sum of \$1 million
314 in nonrecurring funds from the State Economic Enhancement and
315 Development Trust Fund is appropriated to the Department of
316 Commerce, as created by this act, to facilitate the transition
317 plan and transfers required by this act. The unexpended balance
318 of funds as of December 31, 2023, shall revert.

319 Section 5. Paragraph (i) of subsection (3) of section
320 11.45, Florida Statutes, is amended to read:

321 11.45 Definitions; duties; authorities; reports; rules.-

322 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
323 Auditor General may, pursuant to his or her own authority, or at
324 the direction of the Legislative Auditing Committee, conduct
325 audits or other engagements as determined appropriate by the

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326 Auditor General of:

327 ~~(i) Enterprise Florida, Inc., including any of its boards,~~
 328 ~~advisory committees, or similar groups created by Enterprise~~
 329 ~~Florida, Inc., and programs. The audit report may not reveal the~~
 330 ~~identity of any person who has anonymously made a donation to~~
 331 ~~Enterprise Florida, Inc., pursuant to this paragraph. The~~
 332 ~~identity of a donor or prospective donor to Enterprise Florida,~~
 333 ~~Inc., who desires to remain anonymous and all information~~
 334 ~~identifying such donor or prospective donor are confidential and~~
 335 ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I~~
 336 ~~of the State Constitution. Such anonymity shall be maintained in~~
 337 ~~the auditor's report.~~

338 Section 6. Paragraph (a) of subsection (3) of section
 339 14.32, Florida Statutes, is amended to read:

340 14.32 Office of Chief Inspector General.—

341 (3) Related to public-private partnerships, the Chief
 342 Inspector General:

343 (a) Shall advise public-private partnerships, ~~including~~
 344 ~~Enterprise Florida, Inc.,~~ in their development, utilization, and
 345 improvement of internal control measures necessary to ensure
 346 fiscal accountability.

347 Section 7. Section 15.18, Florida Statutes, is amended to
 348 read:

349 15.18 International and cultural relations.—The Divisions
 350 of Arts and Culture, Historical Resources, and Library and

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351 Information Services of the Department of State promote programs
 352 having substantial cultural, artistic, and indirect economic
 353 significance that emphasize American creativity. The Secretary
 354 of State, as the head administrator of these divisions, shall
 355 hereafter be known as "Florida's Chief Arts and Culture
 356 Officer." As this officer, the Secretary of State is encouraged
 357 to initiate and develop relationships between the state and
 358 foreign cultural officers, their representatives, and other
 359 foreign governmental officials in order to promote Florida as
 360 the center of American creativity. The Secretary of State shall
 361 coordinate international activities pursuant to this section
 362 with the Department of Commerce ~~Enterprise Florida, Inc.~~, and
 363 any other organization the secretary deems appropriate. For the
 364 accomplishment of this purpose, the Secretary of State shall
 365 have the power and authority to:

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

368 (2) Plan and carry out activities designed to cause
 369 improved cultural and governmental programs and exchanges with
 370 foreign countries.

371 (3) Plan and implement cultural and social activities for
 372 visiting foreign heads of state, diplomats, dignitaries, and
 373 exchange groups.

374 (4) Encourage and cooperate with other public and private
 375 organizations or groups in their efforts to promote the cultural

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376 advantages of Florida.

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

380 (6) Provide, arrange, and make expenditures for the
 381 achievement of any or all of the purposes specified in this
 382 section.

383 Section 8. Subsection (2) of section 15.182, Florida
 384 Statutes, is amended to read:

385 15.182 International travel by state-funded musical,
 386 cultural, or artistic organizations; notification to the
 387 Department of State.—

388 (2) The Department of State, in conjunction with the
 389 Department of Commerce ~~Economic Opportunity and Enterprise~~
 390 ~~Florida, Inc.~~, shall act as an intermediary between performing
 391 musical, cultural, and artistic organizations and Florida
 392 businesses to encourage and coordinate joint undertakings. Such
 393 coordination may include, but is not limited to, encouraging
 394 business and industry to sponsor cultural events, assistance
 395 with travel of such organizations, and coordinating travel
 396 schedules of cultural performance groups and international trade
 397 missions.

398 Section 9. Paragraph (a) of subsection (7) of section
 399 20.435, Florida Statutes, is amended to read:

400 20.435 Department of Health; trust funds.—The following

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401 trust funds shall be administered by the Department of Health:

402 (7) Biomedical Research Trust Fund.

403 (a) Funds to be credited to the trust fund shall consist
 404 of funds appropriated by the Legislature. Funds shall be used
 405 for the purposes of the James and Esther King Biomedical
 406 Research Program, the Casey DeSantis Cancer Research Program,
 407 and the William G. "Bill" Bankhead, Jr., and David Coley Cancer
 408 Research Program as specified in ss. 215.5602, ~~288.955~~, 381.915,
 409 and 381.922. The trust fund is exempt from the service charges
 410 imposed by s. 215.20.

411 Section 10. Section 20.60, Florida Statutes, is amended to
 412 read:

413 20.60 Department of Commerce ~~Economic Opportunity~~;
 414 creation; powers and duties.—

415 (1) There is created the Department of Commerce ~~Economic~~
 416 ~~Opportunity~~.

417 (2) The head of the department is the Secretary of
 418 Commerce ~~Economic Opportunity~~, who shall be appointed by the
 419 Governor, subject to confirmation by the Senate. The secretary
 420 shall serve at the pleasure of and report to the Governor and
 421 shall serve as the Governor's chief negotiator for business
 422 recruitment and expansion and economic development. The
 423 secretary may appoint deputy and assistant secretaries as
 424 necessary to aid the secretary in fulfilling his or her
 425 statutory obligations.

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426 (3) (a) The following divisions and offices of the
 427 Department of Commerce ~~Economic Opportunity~~ are established:
 428 1. The Division of Economic ~~Strategic Business~~
 429 Development.
 430 2. The Division of Community Development.
 431 3. The Division of Workforce Services.
 432 4. The Division of Finance and Administration.
 433 5. The Division of Information Technology.
 434 6. The Office of the Secretary.
 435 7. The Office of Economic Accountability and Transparency,
 436 which shall:
 437 a. Oversee the department's critical objectives as
 438 determined by the secretary and make sure that the department's
 439 key objectives are clearly communicated to the public.
 440 b. Organize department resources, expertise, data, and
 441 research to focus on and solve the complex economic challenges
 442 facing the state.
 443 c. Provide leadership for the department's priority issues
 444 that require integration of policy, management, and critical
 445 objectives from multiple programs and organizations internal and
 446 external to the department; and organize and manage external
 447 communication on such priority issues.
 448 d. Promote and facilitate key department initiatives to
 449 address priority economic issues and explore data and identify
 450 opportunities for innovative approaches to address such economic

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451 issues.

452 e. Promote strategic planning for the department.

453 (b) The secretary:

454 1. May create offices within the Office of the Secretary

455 and within the divisions established in paragraph (a) to promote

456 efficient and effective operation of the department.

457 2. Shall appoint a director for each division, who shall

458 directly administer his or her division and be responsible to

459 the secretary.

460 (4) The purpose of the department is to assist the

461 Governor in working with the Legislature, state agencies,

462 business leaders, and economic development professionals to

463 formulate and implement coherent and consistent policies and

464 strategies designed to promote economic opportunities for all

465 Floridians. The department is the state's chief agency for

466 business recruitment and expansion and economic development. To

467 accomplish such purposes, the department shall:

468 (a) Facilitate the direct involvement of the Governor and

469 the Lieutenant Governor in economic development and workforce

470 development projects designed to create, expand, and retain

471 businesses in this state, to recruit business from around the

472 world, to promote the state as a pro-business location for new

473 investment, and to facilitate other job-creating efforts.

474 (b) Recruit new businesses to this state and promote the

475 expansion of existing businesses by expediting permitting and

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476 location decisions, worker placement and training, and incentive
477 awards.

478 (c) Promote viable, sustainable communities by providing
479 technical assistance and guidance on growth and development
480 issues, grants, and other assistance to local communities.

481 (d) Ensure that the state's goals and policies relating to
482 economic development, workforce development, community planning
483 and development, and affordable housing are fully integrated
484 with appropriate implementation strategies.

485 (e) Manage the activities of public-private partnerships
486 and state agencies in order to avoid duplication and promote
487 coordinated and consistent implementation of programs in areas
488 including, but not limited to, tourism; international trade and
489 investment; business recruitment, creation, retention, and
490 expansion; minority and small business development; defense,
491 space, and aerospace development; rural community development;
492 and the development and promotion of professional and amateur
493 sporting events.

494 (f) Coordinate with state agencies on the processing of
495 state development approvals or permits to minimize the
496 duplication of information provided by the applicant and the
497 time before approval or disapproval.

498 (g) Contract with the Florida Sports Foundation to guide,
499 stimulate, and promote the sports industry in this state, to
500 promote the participation of residents of this state in amateur

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501 athletic competition, and to promote this state as a host for
 502 national and international amateur athletic competitions.

503 (h) Encourage and oversee the coordination of
 504 international trade development efforts of public institutions,
 505 business associations, economic development councils, and
 506 private industry.

507 (i) Contract with the direct-support organization created
 508 in s. 288.012, to assist with coordination described in
 509 paragraph (h), provide services through State of Florida
 510 international offices, and assist in developing and carrying out
 511 the 5-year statewide strategic plan as it relates to foreign
 512 investment, international partnerships, and other international
 513 business and trade development.

514 (j) Support Florida's defense, space, and aerospace
 515 industries, including research and development, and strengthen
 516 this state's existing leadership in defense, space, and
 517 aerospace activity and economic growth.

518 (k) Assist, promote, and enhance economic opportunities
 519 for this state's minority-owned businesses and rural and urban
 520 communities.

521 (l) Contract with the Florida Tourism Industry Marketing
 522 Corporation to execute tourism promotion and marketing services,
 523 functions, and programs for the state and advise the department
 524 on the development of domestic and international tourism
 525 marketing campaigns featuring this state.

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526 (5) The divisions within the department have specific
 527 responsibilities to achieve the duties, responsibilities, and
 528 goals of the department. Specifically:

529 (a) The Division of Economic ~~Strategic Business~~
 530 Development shall:

531 1. Analyze and evaluate business prospects identified by
 532 the Governor and, ~~the secretary, and Enterprise Florida, Inc.~~

533 2. Administer certain tax refund, tax credit, and grant
 534 programs created in law. Notwithstanding any other provision of
 535 law, the department may expend interest earned from the
 536 investment of program funds deposited in the Grants and
 537 Donations Trust Fund to contract for the administration of those
 538 programs, or portions of the programs, assigned to the
 539 department by law, by the appropriations process, or by the
 540 Governor. Such expenditures shall be subject to review under
 541 chapter 216.

542 3. Develop measurement protocols for the state incentive
 543 programs and for the contracted entities which will be used to
 544 determine their performance and competitive value to the state.
 545 Performance measures, benchmarks, and sanctions must be
 546 developed in consultation with the legislative appropriations
 547 committees and the appropriate substantive committees, and are
 548 subject to the review and approval process provided in s.
 549 216.177. The approved performance measures, standards, and
 550 sanctions shall be included and made a part of the strategic

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551 | plan for contracts entered into for delivery of programs
 552 | authorized by this section.

553 | 4. Develop a 5-year statewide strategic plan. The
 554 | strategic plan must include, but need not be limited to:

555 | a. Strategies for the promotion of business formation,
 556 | expansion, recruitment, and retention through aggressive
 557 | marketing, attraction of venture capital and finance
 558 | development, domestic trade, international development, and
 559 | export assistance, which lead to more and better jobs and higher
 560 | wages for all geographic regions, disadvantaged communities, and
 561 | populations of the state, including rural areas, minority
 562 | businesses, and urban core areas.

563 | b. The development of realistic policies and programs to
 564 | further the economic diversity of the state, its regions, and
 565 | their associated industrial clusters.

566 | c. Specific provisions for the stimulation of economic
 567 | development and job creation in rural areas and midsize cities
 568 | and counties of the state, including strategies for rural
 569 | marketing and the development of infrastructure in rural areas.

570 | d. Provisions for the promotion of the successful long-
 571 | term economic development of the state with increased emphasis
 572 | in market research and information.

573 | e. Plans for the generation of foreign investment in the
 574 | state which create jobs paying above-average wages and which
 575 | result in reverse investment in the state, including programs

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576 | that establish viable overseas markets, assist in meeting the
 577 | financing requirements of export-ready firms, broaden
 578 | opportunities for international joint venture relationships, use
 579 | the resources of academic and other institutions, coordinate
 580 | trade assistance and facilitation services, and facilitate
 581 | availability of and access to education and training programs
 582 | that assure requisite skills and competencies necessary to
 583 | compete successfully in the global marketplace.

584 | f. The identification of business sectors that are of
 585 | current or future importance to the state's economy and to the
 586 | state's global business image, and development of specific
 587 | strategies to promote the development of such sectors.

588 | g. Strategies for talent development necessary in the
 589 | state to encourage economic development growth, taking into
 590 | account factors such as the state's talent supply chain,
 591 | education and training opportunities, and available workforce.

592 | h. Strategies and plans to support this state's defense,
 593 | space, and aerospace industries and the emerging complementary
 594 | business activities and industries that support the development
 595 | and growth of defense, space, and aerospace in this state.

596 | 5. Update the strategic plan every 5 years.

597 | 6. Involve ~~Enterprise Florida, Inc.;~~ CareerSource Florida,
 598 | Inc.; direct-support organizations of the department; local
 599 | governments; the general public; local and regional economic
 600 | development organizations; other local, state, and federal

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601 economic, international, and workforce development entities; the
 602 business community; and educational institutions to assist with
 603 the strategic plan.

604 7. Coordinate with the Florida Tourism Industry Marketing
 605 Corporation in the development of the 4-year marketing plan
 606 pursuant to s. 288.1226(13).

607 8. Administer and manage relationships, as appropriate,
 608 with the entities and programs created pursuant to the Florida
 609 Capital Formation Act, ss. 288.9621-288.96255.

610 (b) The Division of Community Development shall:

611 1. Assist local governments and their communities in
 612 finding creative planning solutions to help them foster vibrant,
 613 healthy communities, while protecting the functions of important
 614 state resources and facilities.

615 2. Administer state and federal grant programs as provided
 616 by law to provide community development and project planning
 617 activities to maintain viable communities, revitalize existing
 618 communities, and expand economic development and employment
 619 opportunities, including:

620 a. The Community Services Block Grant Program.

621 b. The Community Development Block Grant Program in
 622 chapter 290.

623 c. The Low-Income Home Energy Assistance Program in
 624 chapter 409.

625 d. The Weatherization Assistance Program in chapter 409.

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- 626 e. The Neighborhood Stabilization Program.
- 627 f. The local comprehensive planning process and the
628 development of regional impact process.
- 629 g. The Front Porch Florida Initiative through the Office
630 of Urban Opportunity, which is created within the division. The
631 purpose of the office is to administer the Front Porch Florida
632 initiative, a comprehensive, community-based urban core
633 redevelopment program that enables urban core residents to craft
634 solutions to the unique challenges of each designated community.
- 635 3. Assist in developing the 5-year statewide strategic
636 plan required by this section.
- 637 (c) The Division of Workforce Services shall:
- 638 1. Prepare and submit a unified budget request for
639 workforce development in accordance with chapter 216 for, and in
640 conjunction with, the state board as defined in s. 445.002.
- 641 2. Ensure that the state appropriately administers federal
642 and state workforce funding by administering plans and policies
643 of the state board as defined in s. 445.002. The operating
644 budget and midyear amendments thereto must be part of such
645 contract.
- 646 a. All program and fiscal instructions to local workforce
647 development boards shall emanate from the Department of Commerce
648 ~~Economic Opportunity~~ pursuant to plans and policies of the state
649 board as defined in s. 445.002, which shall be responsible for
650 all policy directions to the local workforce development boards.

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651 b. Unless otherwise provided by agreement with the state
652 board as defined in s. 445.002, administrative and personnel
653 policies of the Department of Commerce ~~Economic Opportunity~~
654 apply.

655 3. Implement the state's reemployment assistance program.
656 The Department of Commerce ~~Economic Opportunity~~ shall ensure
657 that the state appropriately administers the reemployment
658 assistance program pursuant to state and federal law.

659 4. Assist in developing the 5-year statewide strategic
660 plan required by this section, including identifying education
661 and training programs to ensure that the state has the skilled
662 and competent workforce necessary to attract and grow business
663 in this state and allow them to compete successfully in domestic
664 and global markets.

665 (6) (a) The Department of Commerce ~~Economic Opportunity~~ is
666 the administrative agency designated for receipt of federal
667 workforce development grants and other federal funds. The
668 department shall administer the duties and responsibilities
669 assigned by the Governor under each federal grant assigned to
670 the department. The department shall expend each revenue source
671 as provided by federal and state law and as provided in plans
672 developed by and agreements with the state board as defined in
673 s. 445.002. The department may serve as the contract
674 administrator for contracts entered into by the state board
675 under s. 445.004(5).

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676 (b) The Department of Commerce ~~Economic Opportunity~~ shall
 677 serve as the designated agency for purposes of each federal
 678 workforce development grant assigned to it for administration.
 679 The department shall carry out the duties assigned to it by the
 680 Governor, under the terms and conditions of each grant. The
 681 department shall have the level of authority and autonomy
 682 necessary to be the designated recipient of each federal grant
 683 assigned to it and shall disburse such grants pursuant to the
 684 plans and policies of the state board as defined in s. 445.002.
 685 The secretary may, upon delegation from the Governor and
 686 pursuant to agreement with the state board, sign contracts,
 687 grants, and other instruments as necessary to execute functions
 688 assigned to the department. Notwithstanding other provisions of
 689 law, the department shall administer other programs funded by
 690 federal or state appropriations, as determined by the
 691 Legislature in the General Appropriations Act or other law.

692 (7) The department may provide or contract for training
 693 for employees of administrative entities and case managers of
 694 any contracted providers to ensure they have the necessary
 695 competencies and skills to provide adequate administrative
 696 oversight and delivery of the full array of client services.

697 (8) The Reemployment Assistance Appeals Commission,
 698 authorized by s. 443.012, is not subject to control,
 699 supervision, or direction by the department in the performance
 700 of its powers and duties but shall receive any and all support

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701 and assistance from the department which is required for the
702 performance of its duties.

703 (9) The secretary shall:

704 (a) Manage all activities and responsibilities of the
705 department.

706 (b) Serve as the manager for the state with respect to
707 contracts with ~~Enterprise Florida, Inc.,~~ and all applicable
708 direct-support organizations. To accomplish the provisions of
709 this section and applicable provisions of chapter 288, and
710 notwithstanding the provisions of part I of chapter 287, the
711 secretary shall enter into specific contracts with ~~Enterprise~~
712 ~~Florida, Inc.,~~ and other appropriate direct-support
713 organizations. Such contracts may be for multiyear terms and
714 must include specific performance measures for each year. For
715 purposes of this section, ~~the Florida Tourism Industry Marketing~~
716 ~~Corporation and~~ the Institute for Commercialization of Florida
717 Technology is are not an appropriate direct-support organization
718 ~~organizations.~~

719 (c) Serve as a member of the board of directors of the
720 Florida Development Finance Corporation. The secretary may
721 designate an employee of the department to serve in this
722 capacity.

723 (10) The department, ~~with assistance from Enterprise~~
724 ~~Florida, Inc.,~~ shall, by November 1 of each year, submit an
725 annual report to the Governor, the President of the Senate, and

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726 the Speaker of the House of Representatives on the condition of
727 the business climate and economic development in the state.

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

730 (b) The department shall collect and maintain data on the
731 development and utilization of the international trade
732 development program for inclusion in the report.

733 (c) The report must incorporate annual reports of other
734 programs, including:

735 ~~1. Information provided by the Department of Revenue under~~
736 ~~s. 290.014.~~

737 ~~2. Information provided by enterprise zone development~~
738 ~~agencies under s. 290.0056 and an analysis of the activities and~~
739 ~~accomplishments of each enterprise zone.~~

740 ~~3. The Economic Gardening Business Loan Pilot Program~~
741 ~~established under s. 288.1081 and the Economic Gardening~~
742 ~~Technical Assistance Pilot Program established under s.~~
743 ~~288.1082.~~

744 ~~1.4.~~ A detailed report of the performance of the Black
745 Business Loan Program and a cumulative summary of quarterly
746 report data required under s. 288.714.

747 ~~2.5.~~ The Rural Economic Development Initiative established
748 under s. 288.0656.

749 ~~3.6.~~ The Florida Unique Abilities Partner Program.

750 ~~4.7.~~ A detailed report of the performance of the Florida

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751 Development Finance Corporation and a summary of the
 752 corporation's report required under s. 288.9610.

753 (11) The department shall establish annual performance
 754 standards for ~~Enterprise Florida, Inc.;~~ CareerSource Florida,
 755 Inc.; the Florida Tourism Industry Marketing Corporation; Space
 756 Florida; ~~and~~ the Florida Development Finance Corporation; and
 757 any other direct-support organization of the department and
 758 report annually on how these performance measures are being met
 759 in the annual report required under subsection (10).

760 (12) The department shall have an official seal by which
 761 its records, orders, and proceedings are authenticated. The seal
 762 shall be judicially noticed.

763 (13) The department shall administer the role of state
 764 government under part I of chapter 421, relating to public
 765 housing; chapter 422, relating to housing cooperation law; and
 766 chapter 423, tax exemption of housing authorities. The
 767 department is the agency of state government responsible for the
 768 state's role in housing and urban development.

769 Section 11. Section 20.601, Florida Statutes, is repealed.

770 Section 12. Subsection (11) of section 159.803, Florida
 771 Statutes, is amended to read:

772 159.803 Definitions.—As used in this part, the term:

773 (11) "Florida First Business project" means any project
 774 which is certified by the Department of Commerce ~~Economic~~
 775 ~~Opportunity~~ as eligible to receive an allocation from the

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776 Florida First Business allocation pool established pursuant to
 777 s. 159.8083. The Department of Commerce ~~Economic Opportunity~~ may
 778 certify those projects proposed by a business which qualify as a
 779 target industry business as defined in s. 288.005 ~~meeting the~~
 780 ~~criteria set forth in s. 288.106(4)(b)~~ or any project providing
 781 a substantial economic benefit to this state. The department
 782 shall develop measurement protocols and performance measures to
 783 determine what competitive value a project by a target industry
 784 business will bring to the state pursuant to ss. 20.60(5)(a)3.
 785 and 288.061(2).

786 Section 13. Section 189.033, Florida Statutes, is amended
 787 to read:

788 189.033 Independent special district services in
 789 disproportionally affected county; rate reduction for providers
 790 providing economic benefits.—If the governing body of an
 791 independent special district that provides water, wastewater,
 792 and sanitation services in a disproportionally affected county~~7~~
 793 ~~as defined in s. 288.106(8)~~, determines that a new user or the
 794 expansion of an existing user of one or more of its utility
 795 systems will provide a significant benefit to the community in
 796 terms of increased job opportunities, economies of scale, or
 797 economic development in the area, the governing body may
 798 authorize a reduction of its rates, fees, or charges for that
 799 user for a specified period of time. A governing body that
 800 exercises this power must do so by resolution that states the

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801 anticipated economic benefit justifying the reduction as well as
 802 the period of time that the reduction will remain in place. As
 803 used in this section, the term "disproportionally affected
 804 county" means Bay County, Escambia County, Franklin County, Gulf
 805 County, Okaloosa County, Santa Rosa County, Walton County, or
 806 Wakulla County.

807 Section 14. Paragraph (a) of subsection (14) of section
 808 196.012, Florida Statutes, is amended to read:

809 196.012 Definitions.—For the purpose of this chapter, the
 810 following terms are defined as follows, except where the context
 811 clearly indicates otherwise:

812 (14) "New business" means:

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

818 a. Manufactures, processes, compounds, fabricates, or
 819 produces for sale items of tangible personal property at a fixed
 820 location and which comprises an industrial or manufacturing
 821 plant; or

822 b. Is a target industry business as defined in s. 288.005
 823 ~~s. 288.106(2)(g)~~;

824 2. A business or organization establishing 25 or more new
 825 jobs to employ 25 or more full-time employees in this state, the

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826 sales factor of which, as defined by s. 220.15(5), for the
 827 facility with respect to which it requests an economic
 828 development ad valorem tax exemption is less than 0.50 for each
 829 year the exemption is claimed; or

830 3. An office space in this state owned and used by a
 831 business or organization newly domiciled in this state; provided
 832 such office space houses 50 or more full-time employees of such
 833 business or organization; provided that such business or
 834 organization office first begins operation on a site clearly
 835 separate from any other commercial or industrial operation owned
 836 by the same business or organization.

837 Section 15. Paragraphs (j) and (q) of subsection (5) of
 838 section 212.08, Florida Statutes, are amended to read:

839 212.08 Sales, rental, use, consumption, distribution, and
 840 storage tax; specified exemptions.—The sale at retail, the
 841 rental, the use, the consumption, the distribution, and the
 842 storage to be used or consumed in this state of the following
 843 are hereby specifically exempt from the tax imposed by this
 844 chapter.

845 (5) EXEMPTIONS; ACCOUNT OF USE.—

846 (j) *Machinery and equipment used in semiconductor,*
 847 *defense, or space technology production.—*

848 1.a. Industrial machinery and equipment used in
 849 semiconductor technology facilities certified under subparagraph
 850 5. to manufacture, process, compound, or produce semiconductor

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851 technology products for sale or for use by these facilities are
 852 exempt from the tax imposed by this chapter. For purposes of
 853 this paragraph, industrial machinery and equipment includes
 854 molds, dies, machine tooling, other appurtenances or accessories
 855 to machinery and equipment, testing equipment, test beds,
 856 computers, and software, whether purchased or self-fabricated,
 857 and, if self-fabricated, includes materials and labor for
 858 design, fabrication, and assembly.

859 b. Industrial machinery and equipment used in defense or
 860 space technology facilities certified under subparagraph 5. to
 861 design, manufacture, assemble, process, compound, or produce
 862 defense technology products or space technology products for
 863 sale or for use by these facilities are exempt from the tax
 864 imposed by this chapter.

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

868 3. In addition to meeting the criteria mandated by
 869 subparagraph 1. or subparagraph 2., a business must be certified
 870 by the Department of Commerce ~~Economic Opportunity~~ in order to
 871 qualify for exemption under this paragraph.

872 4. For items purchased tax-exempt pursuant to this
 873 paragraph, possession of a written certification from the
 874 purchaser, certifying the purchaser's entitlement to the
 875 exemption, relieves the seller of the responsibility of

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876 collecting the tax on the sale of such items, and the department
 877 shall look solely to the purchaser for recovery of the tax if it
 878 determines that the purchaser was not entitled to the exemption.

879 5.a. To be eligible to receive the exemption provided by
 880 subparagraph 1. or subparagraph 2., a qualifying business entity
 881 shall initially apply to the Department of Commerce ~~Enterprise~~
 882 ~~Florida, Inc.~~ The original certification is valid for a period
 883 of 2 years. In lieu of submitting a new application, the
 884 original certification may be renewed biennially by submitting
 885 to the Department of Commerce ~~Economic Opportunity~~ a statement,
 886 certified under oath, that there has not been a material change
 887 in the conditions or circumstances entitling the business entity
 888 to the original certification. The initial application and the
 889 certification renewal statement shall be developed by the
 890 Department of Commerce ~~Economic Opportunity~~.

891 b. The Division of Economic ~~Strategic Business~~ Development
 892 of the Department of Commerce ~~Economic Opportunity~~ shall review
 893 each submitted initial application and determine whether or not
 894 the application is complete within 5 working days. Once
 895 complete, the division shall, within 10 working days, evaluate
 896 the application and recommend approval or disapproval to the
 897 Department of Commerce ~~Economic Opportunity~~.

898 c. Upon receipt of the initial application and
 899 recommendation from the division or upon receipt of a
 900 certification renewal statement, the Department of Commerce

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901 ~~Economic Opportunity~~ shall certify within 5 working days those
 902 applicants who are found to meet the requirements of this
 903 section and notify the applicant of the original certification
 904 or certification renewal. If the Department of Commerce ~~Economic~~
 905 ~~Opportunity~~ finds that the applicant does not meet the
 906 requirements, it shall notify the applicant ~~and Enterprise~~
 907 ~~Florida, Inc.,~~ within 10 working days that the application for
 908 certification has been denied and the reasons for denial. The
 909 Department of Commerce ~~Economic Opportunity~~ has final approval
 910 authority for certification under this section.

911 d. The initial application and certification renewal
 912 statement must indicate, for program evaluation purposes only,
 913 the average number of full-time equivalent employees at the
 914 facility over the preceding calendar year, the average wage and
 915 benefits paid to those employees over the preceding calendar
 916 year, the total investment made in real and tangible personal
 917 property over the preceding calendar year, and the total value
 918 of tax-exempt purchases and taxes exempted during the previous
 919 year. The department shall assist the Department of Commerce
 920 ~~Economic Opportunity~~ in evaluating and verifying information
 921 provided in the application for exemption.

922 e. The Department of Commerce ~~Economic Opportunity~~ may use
 923 the information reported on the initial application and
 924 certification renewal statement for evaluation purposes only.

925 6. A business certified to receive this exemption may

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926 | elect to designate one or more state universities or community
 927 | colleges as recipients of up to 100 percent of the amount of the
 928 | exemption. To receive these funds, the institution must agree to
 929 | match the funds with equivalent cash, programs, services, or
 930 | other in-kind support on a one-to-one basis for research and
 931 | development projects requested by the certified business. The
 932 | rights to any patents, royalties, or real or intellectual
 933 | property must be vested in the business unless otherwise agreed
 934 | to by the business and the university or community college.

935 | 7. As used in this paragraph, the term:

936 | a. "Semiconductor technology products" means raw
 937 | semiconductor wafers or semiconductor thin films that are
 938 | transformed into semiconductor memory or logic wafers, including
 939 | wafers containing mixed memory and logic circuits; related
 940 | assembly and test operations; active-matrix flat panel displays;
 941 | semiconductor chips; semiconductor lasers; optoelectronic
 942 | elements; and related semiconductor technology products as
 943 | determined by the Department of Commerce ~~Economic Opportunity~~.

944 | b. "Clean rooms" means manufacturing facilities enclosed
 945 | in a manner that meets the clean manufacturing requirements
 946 | necessary for high-technology semiconductor-manufacturing
 947 | environments.

948 | c. "Defense technology products" means products that have
 949 | a military application, including, but not limited to, weapons,
 950 | weapons systems, guidance systems, surveillance systems,

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951 | communications or information systems, munitions, aircraft,
 952 | vessels, or boats, or components thereof, which are intended for
 953 | military use and manufactured in performance of a contract with
 954 | the United States Department of Defense or the military branch
 955 | of a recognized foreign government or a subcontract thereunder
 956 | which relates to matters of national defense.

957 | d. "Space technology products" means products that are
 958 | specifically designed or manufactured for application in space
 959 | activities, including, but not limited to, space launch
 960 | vehicles, space flight vehicles, missiles, satellites or
 961 | research payloads, avionics, and associated control systems and
 962 | processing systems and components of any of the foregoing. The
 963 | term does not include products that are designed or manufactured
 964 | for general commercial aviation or other uses even though those
 965 | products may also serve an incidental use in space applications.

966 | ~~(g) Entertainment industry tax credit; authorization;~~
 967 | ~~eligibility for credits. The credits against the state sales tax~~
 968 | ~~authorized pursuant to s. 288.1254 shall be deducted from any~~
 969 | ~~sales and use tax remitted by the dealer to the department by~~
 970 | ~~electronic funds transfer and may only be deducted on a sales~~
 971 | ~~and use tax return initiated through electronic data~~
 972 | ~~interchange. The dealer shall separately state the credit on the~~
 973 | ~~electronic return. The net amount of tax due and payable must be~~
 974 | ~~remitted by electronic funds transfer. If the credit for the~~
 975 | ~~qualified expenditures is larger than the amount owed on the~~

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976 | ~~sales and use tax return that is eligible for the credit, the~~
 977 | ~~unused amount of the credit may be carried forward to a~~
 978 | ~~succeeding reporting period as provided in s. 288.1254(4)(c). A~~
 979 | ~~dealer may only obtain a credit using the method described in~~
 980 | ~~this subparagraph. A dealer is not authorized to obtain a credit~~
 981 | ~~by applying for a refund.~~

982 | Section 16. Paragraph (a) of subsection (1) of section
 983 | 212.098, Florida Statutes, is amended to read:

984 | 212.098 Rural Job Tax Credit Program.—

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

986 | (a) "Eligible business" means any sole proprietorship,
 987 | firm, partnership, or corporation that is located in a qualified
 988 | county and is predominantly engaged in, or is headquarters for a
 989 | business predominantly engaged in, activities usually provided
 990 | for consideration by firms classified within the following
 991 | standard industrial classifications: SIC 01-SIC 09 (agriculture,
 992 | forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
 993 | (public warehousing and storage); SIC 70 (hotels and other
 994 | lodging places); SIC 7391 (research and development); SIC 781
 995 | (motion picture production and allied services); SIC 7992
 996 | (public golf courses); and SIC 7996 (amusement parks); ~~and a~~
 997 | ~~targeted industry eligible for the qualified target industry~~
 998 | ~~business tax refund under s. 288.106.~~ A call center or similar
 999 | customer service operation that services a multistate market or
 1000 | an international market is also an eligible business. In

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1001 addition, the Department of Commerce ~~Economic Opportunity~~ may,
 1002 as part of its final budget request submitted pursuant to s.
 1003 216.023, recommend additions to or deletions from the list of
 1004 standard industrial classifications used to determine an
 1005 eligible business, and the Legislature may implement such
 1006 recommendations. Excluded from eligible receipts are receipts
 1007 from retail sales, except such receipts for hotels and other
 1008 lodging places classified in SIC 70, public golf courses in SIC
 1009 7992, and amusement parks in SIC 7996. For purposes of this
 1010 paragraph, the term "predominantly" means that more than 50
 1011 percent of the business's gross receipts from all sources is
 1012 generated by those activities usually provided for consideration
 1013 by firms in the specified standard industrial classification.
 1014 The determination of whether the business is located in a
 1015 qualified county and the tier ranking of that county must be
 1016 based on the date of application for the credit under this
 1017 section. Commonly owned and controlled entities are to be
 1018 considered a single business entity.

1019 Section 17. Paragraph (d) of subsection (6) of section
 1020 212.20, Florida Statutes, is amended to read:

1021 212.20 Funds collected, disposition; additional powers of
 1022 department; operational expense; refund of taxes adjudicated
 1023 unconstitutionally collected.—

1024 (6) Distribution of all proceeds under this chapter and
 1025 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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1026 (d) The proceeds of all other taxes and fees imposed
 1027 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 1028 and (2)(b) shall be distributed as follows:

1029 1. In any fiscal year, the greater of \$500 million, minus
 1030 an amount equal to 4.6 percent of the proceeds of the taxes
 1031 collected pursuant to chapter 201, or 5.2 percent of all other
 1032 taxes and fees imposed pursuant to this chapter or remitted
 1033 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 1034 monthly installments into the General Revenue Fund.

1035 2. After the distribution under subparagraph 1., 8.9744
 1036 percent of the amount remitted by a sales tax dealer located
 1037 within a participating county pursuant to s. 218.61 shall be
 1038 transferred into the Local Government Half-cent Sales Tax
 1039 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 1040 transferred shall be reduced by 0.1 percent, and the department
 1041 shall distribute this amount to the Public Employees Relations
 1042 Commission Trust Fund less \$5,000 each month, which shall be
 1043 added to the amount calculated in subparagraph 3. and
 1044 distributed accordingly.

1045 3. After the distribution under subparagraphs 1. and 2.,
 1046 0.0966 percent shall be transferred to the Local Government
 1047 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 1048 to s. 218.65.

1049 4. After the distributions under subparagraphs 1., 2., and
 1050 3., 2.0810 percent of the available proceeds shall be

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1051 transferred monthly to the Revenue Sharing Trust Fund for
 1052 Counties pursuant to s. 218.215.

1053 5. After the distributions under subparagraphs 1., 2., and
 1054 3., 1.3653 percent of the available proceeds shall be
 1055 transferred monthly to the Revenue Sharing Trust Fund for
 1056 Municipalities pursuant to s. 218.215. If the total revenue to
 1057 be distributed pursuant to this subparagraph is at least as
 1058 great as the amount due from the Revenue Sharing Trust Fund for
 1059 Municipalities and the former Municipal Financial Assistance
 1060 Trust Fund in state fiscal year 1999-2000, no municipality shall
 1061 receive less than the amount due from the Revenue Sharing Trust
 1062 Fund for Municipalities and the former Municipal Financial
 1063 Assistance Trust Fund in state fiscal year 1999-2000. If the
 1064 total proceeds to be distributed are less than the amount
 1065 received in combination from the Revenue Sharing Trust Fund for
 1066 Municipalities and the former Municipal Financial Assistance
 1067 Trust Fund in state fiscal year 1999-2000, each municipality
 1068 shall receive an amount proportionate to the amount it was due
 1069 in state fiscal year 1999-2000.

1070 6. Of the remaining proceeds:

1071 a. In each fiscal year, the sum of \$29,915,500 shall be
 1072 divided into as many equal parts as there are counties in the
 1073 state, and one part shall be distributed to each county. The
 1074 distribution among the several counties must begin each fiscal
 1075 year on or before January 5th and continue monthly for a total

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1076 of 4 months. If a local or special law required that any moneys
 1077 accruing to a county in fiscal year 1999-2000 under the then-
 1078 existing provisions of s. 550.135 be paid directly to the
 1079 district school board, special district, or a municipal
 1080 government, such payment must continue until the local or
 1081 special law is amended or repealed. The state covenants with
 1082 holders of bonds or other instruments of indebtedness issued by
 1083 local governments, special districts, or district school boards
 1084 before July 1, 2000, that it is not the intent of this
 1085 subparagraph to adversely affect the rights of those holders or
 1086 relieve local governments, special districts, or district school
 1087 boards of the duty to meet their obligations as a result of
 1088 previous pledges or assignments or trusts entered into which
 1089 obligated funds received from the distribution to county
 1090 governments under then-existing s. 550.135. This distribution
 1091 specifically is in lieu of funds distributed under s. 550.135
 1092 before July 1, 2000.

1093 b. The department shall distribute \$166,667 monthly to
 1094 each applicant certified as a facility for a new or retained
 1095 professional sports franchise pursuant to s. 288.1162. Up to
 1096 \$41,667 shall be distributed monthly by the department to each
 1097 certified applicant as defined in s. 288.11621 for a facility
 1098 for a spring training franchise. However, not more than \$416,670
 1099 may be distributed monthly in the aggregate to all certified
 1100 applicants for facilities for spring training franchises.

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1101 Distributions begin 60 days after such certification and
1102 continue for not more than 30 years, except as otherwise
1103 provided in s. 288.11621. A certified applicant identified in
1104 this sub-subparagraph may not receive more in distributions than
1105 expended by the applicant for the public purposes provided in s.
1106 288.1162(5) or s. 288.11621(3).

1107 ~~e. Beginning 30 days after notice by the Department of~~
1108 ~~Economic Opportunity to the Department of Revenue that an~~
1109 ~~applicant has been certified as the professional golf hall of~~
1110 ~~fame pursuant to s. 288.1168 and is open to the public, \$166,667~~
1111 ~~shall be distributed monthly, for up to 300 months, to the~~
1112 ~~applicant.~~

1113 ~~d. Beginning 30 days after notice by the Department of~~
1114 ~~Economic Opportunity to the Department of Revenue that the~~
1115 ~~applicant has been certified as the International Game Fish~~
1116 ~~Association World Center facility pursuant to s. 288.1169, and~~
1117 ~~the facility is open to the public, \$83,333 shall be distributed~~
1118 ~~monthly, for up to 168 months, to the applicant. This~~
1119 ~~distribution is subject to reduction pursuant to s. 288.1169.~~

1120 c.e. The department shall distribute up to \$83,333 monthly
1121 to each certified applicant as defined in s. 288.11631 for a
1122 facility used by a single spring training franchise, or up to
1123 \$166,667 monthly to each certified applicant as defined in s.
1124 288.11631 for a facility used by more than one spring training
1125 franchise. Monthly distributions begin 60 days after such

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1126 certification or July 1, 2016, whichever is later, and continue
 1127 for not more than 20 years to each certified applicant as
 1128 defined in s. 288.11631 for a facility used by a single spring
 1129 training franchise or not more than 25 years to each certified
 1130 applicant as defined in s. 288.11631 for a facility used by more
 1131 than one spring training franchise. A certified applicant
 1132 identified in this sub-subparagraph may not receive more in
 1133 distributions than expended by the applicant for the public
 1134 purposes provided in s. 288.11631(3).

1135 ~~d.f.~~ The Department shall distribute \$15,333 monthly to the
 1136 State Transportation Trust Fund.

1137 ~~e.g.~~(I) On or before July 25, 2021, August 25, 2021, and
 1138 September 25, 2021, the department shall distribute \$324,533,334
 1139 in each of those months to the Unemployment Compensation Trust
 1140 Fund, less an adjustment for refunds issued from the General
 1141 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the
 1142 distribution. The adjustments made by the department to the
 1143 total distributions shall be equal to the total refunds made
 1144 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be
 1145 subtracted from any single distribution exceeds the
 1146 distribution, the department may not make that distribution and
 1147 must subtract the remaining balance from the next distribution.

1148 (II) Beginning July 2022, and on or before the 25th day of
 1149 each month, the department shall distribute \$90 million monthly
 1150 to the Unemployment Compensation Trust Fund.

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1151 (III) If the ending balance of the Unemployment
 1152 Compensation Trust Fund exceeds \$4,071,519,600 on the last day
 1153 of any month, as determined from United States Department of the
 1154 Treasury data, the Office of Economic and Demographic Research
 1155 shall certify to the department that the ending balance of the
 1156 trust fund exceeds such amount.

1157 (IV) This sub-subparagraph is repealed, and the department
 1158 shall end monthly distributions under sub-sub-subparagraph (II),
 1159 on the date the department receives certification under sub-sub-
 1160 subparagraph (III).

1161 7. All other proceeds must remain in the General Revenue
 1162 Fund.

1163 Section 18. Section 212.205, Florida Statutes, is amended
 1164 to read:

1165 212.205 Sales tax distribution reporting.—By March 15 of
 1166 each year, each person who received a distribution pursuant to
 1167 s. 212.20(6)(d)6.b. and c. ~~s. 212.20(6)(d)6.b.-e.~~ in the
 1168 preceding calendar year shall report to the Office of Economic
 1169 and Demographic Research the following information:

1170 (1) An itemized accounting of all expenditures of the
 1171 funds distributed in the preceding calendar year, including
 1172 amounts spent on debt service.

1173 (2) A statement indicating what portion of the distributed
 1174 funds have been pledged for debt service.

1175 (3) The original principal amount and current debt service

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1176 | schedule of any bonds or other borrowing for which the
 1177 | distributed funds have been pledged for debt service.

1178 | Section 19. Paragraph (aa) of subsection (8) of section
 1179 | 213.053, Florida Statutes, is amended to read:

1180 | 213.053 Confidentiality and information sharing.—

1181 | (8) Notwithstanding any other provision of this section,
 1182 | the department may provide:

1183 | (aa) Information relating to tax credits taken under
 1184 | former s. 220.194 to Space Florida.

1185 |
 1186 | Disclosure of information under this subsection shall be
 1187 | pursuant to a written agreement between the executive director
 1188 | and the agency. Such agencies, governmental or nongovernmental,
 1189 | shall be bound by the same requirements of confidentiality as
 1190 | the Department of Revenue. Breach of confidentiality is a
 1191 | misdemeanor of the first degree, punishable as provided by s.
 1192 | 775.082 or s. 775.083.

1193 | Section 20. Subsection (3) of section 218.64, Florida
 1194 | Statutes, is amended to read:

1195 | 218.64 Local government half-cent sales tax; uses;
 1196 | limitations.—

1197 | (3) Subject to ordinances enacted by the majority of the
 1198 | members of the county governing authority and by the majority of
 1199 | the members of the governing authorities of municipalities
 1200 | representing at least 50 percent of the municipal population of

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1201 such county, counties may use up to \$3 million annually of the
 1202 local government half-cent sales tax allocated to that county
 1203 for any of the following purposes:

1204 (a) Funding a certified applicant as a facility for a new
 1205 or retained professional sports franchise under s. 288.1162 or a
 1206 certified applicant as defined in s. 288.11621 for a facility
 1207 for a spring training franchise. It is the Legislature's intent
 1208 that the provisions of s. 288.1162, including, but not limited
 1209 to, the evaluation process by the Department of Commerce
 1210 ~~Economic Opportunity~~ except for the limitation on the number of
 1211 certified applicants or facilities as provided in that section
 1212 and the restrictions set forth in s. 288.1162(8), shall apply to
 1213 an applicant's facility to be funded by local government as
 1214 provided in this subsection.

1215 (b) Funding an a-certified applicant certified before July
 1216 1, 2023, as a "motorsport entertainment complex," as provided
 1217 for in former s. 288.1171. Funding for each franchise or
 1218 motorsport complex shall begin 60 days after certification and
 1219 shall continue for not more than 30 years.

1220 Section 21. Subsection (8) of section 220.02, Florida
 1221 Statutes, is amended to read:

1222 220.02 Legislative intent.—

1223 (8) It is the intent of the Legislature that credits
 1224 against either the corporate income tax or the franchise tax be
 1225 applied in the following order: those enumerated in s. 631.828,

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1226 those enumerated in s. 220.191, those enumerated in s. 220.181,
 1227 those enumerated in s. 220.183, those enumerated in s. 220.182,
 1228 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 1229 those enumerated in s. 220.184, those enumerated in s. 220.186,
 1230 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 1231 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 1232 those enumerated in s. 220.1876, those enumerated in s.
 1233 220.1877, those enumerated in s. 220.193, those enumerated in
 1234 former s. 288.9916, those enumerated in former s. 220.1899,
 1235 those enumerated in former s. 220.194, those enumerated in s.
 1236 220.196, those enumerated in s. 220.198, and those enumerated in
 1237 s. 220.1915.

1238 Section 22. Paragraphs (a) and (b) of subsection (1) of
 1239 section 220.13, Florida Statutes, are amended to read:

1240 220.13 "Adjusted federal income" defined.—

1241 (1) The term "adjusted federal income" means an amount
 1242 equal to the taxpayer's taxable income as defined in subsection
 1243 (2), or such taxable income of more than one taxpayer as
 1244 provided in s. 220.131, for the taxable year, adjusted as
 1245 follows:

1246 (a) *Additions.*—There shall be added to such taxable
 1247 income:

1248 1.a. The amount of any tax upon or measured by income,
 1249 excluding taxes based on gross receipts or revenues, paid or
 1250 accrued as a liability to the District of Columbia or any state

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1251 of the United States which is deductible from gross income in
 1252 the computation of taxable income for the taxable year.

1253 b. Notwithstanding sub-subparagraph a., if a credit taken
 1254 under s. 220.1875, s. 220.1876, or s. 220.1877 is added to
 1255 taxable income in a previous taxable year under subparagraph 11.
 1256 and is taken as a deduction for federal tax purposes in the
 1257 current taxable year, the amount of the deduction allowed shall
 1258 not be added to taxable income in the current year. The
 1259 exception in this sub-subparagraph is intended to ensure that
 1260 the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is
 1261 added in the applicable taxable year and does not result in a
 1262 duplicate addition in a subsequent year.

1263 2. The amount of interest which is excluded from taxable
 1264 income under s. 103(a) of the Internal Revenue Code or any other
 1265 federal law, less the associated expenses disallowed in the
 1266 computation of taxable income under s. 265 of the Internal
 1267 Revenue Code or any other law, excluding 60 percent of any
 1268 amounts included in alternative minimum taxable income, as
 1269 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 1270 taxpayer pays tax under s. 220.11(3).

1271 3. In the case of a regulated investment company or real
 1272 estate investment trust, an amount equal to the excess of the
 1273 net long-term capital gain for the taxable year over the amount
 1274 of the capital gain dividends attributable to the taxable year.

1275 4. That portion of the wages or salaries paid or incurred

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1276 | for the taxable year which is equal to the amount of the credit
 1277 | allowable for the taxable year under s. 220.181. This
 1278 | subparagraph shall expire on the date specified in s. 290.016
 1279 | for the expiration of the Florida Enterprise Zone Act.

1280 | 5. That portion of the ad valorem school taxes paid or
 1281 | incurred for the taxable year which is equal to the amount of
 1282 | the credit allowable for the taxable year under s. 220.182. This
 1283 | subparagraph shall expire on the date specified in s. 290.016
 1284 | for the expiration of the Florida Enterprise Zone Act.

1285 | 6. The amount taken as a credit under s. 220.195 which is
 1286 | deductible from gross income in the computation of taxable
 1287 | income for the taxable year.

1288 | 7. That portion of assessments to fund a guaranty
 1289 | association incurred for the taxable year which is equal to the
 1290 | amount of the credit allowable for the taxable year.

1291 | 8. In the case of a nonprofit corporation which holds a
 1292 | pari-mutuel permit and which is exempt from federal income tax
 1293 | as a farmers' cooperative, an amount equal to the excess of the
 1294 | gross income attributable to the pari-mutuel operations over the
 1295 | attributable expenses for the taxable year.

1296 | 9. The amount taken as a credit for the taxable year under
 1297 | s. 220.1895.

1298 | 10. Up to nine percent of the eligible basis of any
 1299 | designated project which is equal to the credit allowable for
 1300 | the taxable year under s. 220.185.

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1301 11. Any amount taken as a credit for the taxable year under
 1302 s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this
 1303 subparagraph is intended to ensure that the same amount is not
 1304 allowed for the tax purposes of this state as both a deduction
 1305 from income and a credit against the tax. This addition is not
 1306 intended to result in adding the same expense back to income
 1307 more than once.

1308 12. The amount taken as a credit for the taxable year
 1309 under s. 220.193.

1310 ~~13. Any portion of a qualified investment, as defined in~~
 1311 ~~s. 288.9913, which is claimed as a deduction by the taxpayer and~~
 1312 ~~taken as a credit against income tax pursuant to s. 288.9916.~~

1313 ~~14. The costs to acquire a tax credit pursuant to s.~~
 1314 ~~288.1254(5) that are deducted from or otherwise reduce federal~~
 1315 ~~taxable income for the taxable year.~~

1316 ~~15. The amount taken as a credit for the taxable year~~
 1317 ~~pursuant to s. 220.194.~~

1318 ~~16.~~ The amount taken as a credit for the taxable year
 1319 under s. 220.196. The addition in this subparagraph is intended
 1320 to ensure that the same amount is not allowed for the tax
 1321 purposes of this state as both a deduction from income and a
 1322 credit against the tax. The addition is not intended to result
 1323 in adding the same expense back to income more than once.

1324 14.17. The amount taken as a credit for the taxable year
 1325 pursuant to s. 220.198.

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1326 15.18. The amount taken as a credit for the taxable year
 1327 pursuant to s. 220.1915.

1328 (b) *Subtractions.*—

1329 1. There shall be subtracted from such taxable income:

1330 a. The net operating loss deduction allowable for federal
 1331 income tax purposes under s. 172 of the Internal Revenue Code
 1332 for the taxable year, ~~except that any net operating loss that is~~
 1333 ~~transferred pursuant to s. 220.194(6) may not be deducted by the~~
 1334 ~~seller,~~

1335 b. The net capital loss allowable for federal income tax
 1336 purposes under s. 1212 of the Internal Revenue Code for the
 1337 taxable year,

1338 c. The excess charitable contribution deduction allowable
 1339 for federal income tax purposes under s. 170(d)(2) of the
 1340 Internal Revenue Code for the taxable year, and

1341 d. The excess contributions deductions allowable for
 1342 federal income tax purposes under s. 404 of the Internal Revenue
 1343 Code for the taxable year.

1344
 1345 However, a net operating loss and a capital loss shall never be
 1346 carried back as a deduction to a prior taxable year, but all
 1347 deductions attributable to such losses shall be deemed net
 1348 operating loss carryovers and capital loss carryovers,
 1349 respectively, and treated in the same manner, to the same
 1350 extent, and for the same time periods as are prescribed for such

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1351 carryovers in ss. 172 and 1212, respectively, of the Internal
 1352 Revenue Code.

1353 2. There shall be subtracted from such taxable income any
 1354 amount to the extent included therein the following:

1355 a. Dividends treated as received from sources without the
 1356 United States, as determined under s. 862 of the Internal
 1357 Revenue Code.

1358 b. All amounts included in taxable income under s. 78, s.
 1359 951, or s. 951A of the Internal Revenue Code.

1360
 1361 However, any amount subtracted under this subparagraph is
 1362 allowed only to the extent such amount is not deductible in
 1363 determining federal taxable income. As to any amount subtracted
 1364 under this subparagraph, there shall be added to such taxable
 1365 income all expenses deducted on the taxpayer's return for the
 1366 taxable year which are attributable, directly or indirectly, to
 1367 such subtracted amount. Further, no amount shall be subtracted
 1368 with respect to dividends paid or deemed paid by a Domestic
 1369 International Sales Corporation.

1370 3. In computing "adjusted federal income" for taxable
 1371 years beginning after December 31, 1976, there shall be allowed
 1372 as a deduction the amount of wages and salaries paid or incurred
 1373 within this state for the taxable year for which no deduction is
 1374 allowed pursuant to s. 280C(a) of the Internal Revenue Code
 1375 (relating to credit for employment of certain new employees).

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1376 4. There shall be subtracted from such taxable income any
1377 amount of nonbusiness income included therein.

1378 5. There shall be subtracted any amount of taxes of
1379 foreign countries allowable as credits for taxable years
1380 beginning on or after September 1, 1985, under s. 901 of the
1381 Internal Revenue Code to any corporation which derived less than
1382 20 percent of its gross income or loss for its taxable year
1383 ended in 1984 from sources within the United States, as
1384 described in s. 861(a)(2)(A) of the Internal Revenue Code, not
1385 including credits allowed under ss. 902 and 960 of the Internal
1386 Revenue Code, withholding taxes on dividends within the meaning
1387 of sub-subparagraph 2.a., and withholding taxes on royalties,
1388 interest, technical service fees, and capital gains.

1389 6. Notwithstanding any other provision of this code,
1390 except with respect to amounts subtracted pursuant to
1391 subparagraphs 1. and 3., any increment of any apportionment
1392 factor which is directly related to an increment of gross
1393 receipts or income which is deducted, subtracted, or otherwise
1394 excluded in determining adjusted federal income shall be
1395 excluded from both the numerator and denominator of such
1396 apportionment factor. Further, all valuations made for
1397 apportionment factor purposes shall be made on a basis
1398 consistent with the taxpayer's method of accounting for federal
1399 income tax purposes.

1400 Section 23. Subsection (5) of section 220.16, Florida

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1401 Statutes, is amended to read:

1402 220.16 Allocation of nonbusiness income.—Nonbusiness
1403 income shall be allocated as follows:

1404 ~~(5) The amount of payments received in exchange for~~
1405 ~~transferring a net operating loss authorized by s. 220.194 is~~
1406 ~~allocable to the state.~~

1407 Section 24. Section 220.1899, Florida Statutes, is
1408 repealed.

1409 Section 25. Present paragraphs (a) through (g) of
1410 subsection (1) of section 220.191, Florida Statutes, are
1411 redesignated as paragraphs (b) through (h), respectively, a new
1412 paragraph (a) is added to that subsection, and present paragraph
1413 (g) of subsection (1), paragraph (a) of subsection (3), and
1414 subsections (5) and (6) of that section are amended, to read:

1415 220.191 Capital investment tax credit.—

1416 (1) DEFINITIONS.—For purposes of this section:

1417 (a) "Average private sector wage in the area" means the
1418 statewide private sector average wage or the average of all
1419 private sector wages and salaries in the county or in the
1420 standard metropolitan area in which a business is located.

1421 ~~(h)-(g)~~ "Qualifying project" means a facility in this state
1422 meeting one or more of the following criteria:

1423 1. A new or expanding facility in this state which creates
1424 at least 100 new jobs in this state and is in one of the high-
1425 impact sectors identified and designated ~~by Enterprise Florida,~~

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1426 ~~Inc., and certified~~ by the Department of Commerce ~~Economic~~
 1427 ~~Opportunity~~ pursuant to s. 288.108(6), including, but not
 1428 limited to, aviation, aerospace, automotive, and silicon
 1429 technology industries. However, between July 1, 2011, and June
 1430 30, 2014, the requirement that a facility be in a high-impact
 1431 sector is waived for any otherwise eligible business from
 1432 another state which locates all or a portion of its business to
 1433 a Disproportionally Affected County. For purposes of this
 1434 section, the term "Disproportionally Affected County" means Bay
 1435 County, Escambia County, Franklin County, Gulf County, Okaloosa
 1436 County, Santa Rosa County, Walton County, or Wakulla County.

1437 2. A new or expanded facility in this state which is
 1438 engaged in a target industry designated pursuant to the
 1439 procedure specified in s. 288.005(7) ~~s. 288.106(2)~~ and which is
 1440 induced by this credit to create or retain at least 1,000 jobs
 1441 in this state, provided that at least 100 of those jobs are new,
 1442 pay an annual average wage of at least 130 percent of the
 1443 average private sector wage in the area ~~as defined in s.~~
 1444 ~~288.106(2)~~, and make a cumulative capital investment of at least
 1445 \$100 million. Jobs may be considered retained only if there is
 1446 significant evidence that the loss of jobs is imminent.
 1447 Notwithstanding subsection (2), annual credits against the tax
 1448 imposed by this chapter may not exceed 50 percent of the
 1449 increased annual corporate income tax liability or the premium
 1450 tax liability generated by or arising out of a project

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1451 qualifying under this subparagraph. A facility that qualifies
 1452 under this subparagraph for an annual credit against the tax
 1453 imposed by this chapter may take the tax credit for a period not
 1454 to exceed 5 years.

1455 3. A new or expanded headquarters facility in this state
 1456 which locates in an enterprise zone and brownfield area and is
 1457 induced by this credit to create at least 1,500 jobs which on
 1458 average pay at least 200 percent of the statewide average annual
 1459 private sector wage, as published by the Department of Commerce
 1460 ~~Economic Opportunity~~, and which new or expanded headquarters
 1461 facility makes a cumulative capital investment in this state of
 1462 at least \$250 million.

1463 (3)(a) Notwithstanding subsection (2), an annual credit
 1464 against the tax imposed by this chapter shall be granted to a
 1465 qualifying business which establishes a qualifying project
 1466 pursuant to subparagraph (1)(h)3. ~~(1)(g)3.~~, in an amount equal
 1467 to the lesser of \$15 million or 5 percent of the eligible
 1468 capital costs made in connection with a qualifying project, for
 1469 a period not to exceed 20 years beginning with the commencement
 1470 of operations of the project. The tax credit shall be granted
 1471 against the corporate income tax liability of the qualifying
 1472 business and as further provided in paragraph (c). The total tax
 1473 credit provided pursuant to this subsection shall be equal to no
 1474 more than 100 percent of the eligible capital costs of the
 1475 qualifying project.

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1476 (5) Applications shall be reviewed and certified pursuant
 1477 to s. 288.061. The Department of Commerce ~~Economic Opportunity,~~
 1478 ~~upon a recommendation by Enterprise Florida, Inc.,~~ shall first
 1479 certify a business as eligible to receive tax credits pursuant
 1480 to this section prior to the commencement of operations of a
 1481 qualifying project, and such certification shall be transmitted
 1482 to the Department of Revenue. Upon receipt of the certification,
 1483 the Department of Revenue shall enter into a written agreement
 1484 with the qualifying business specifying, at a minimum, the
 1485 method by which income generated by or arising out of the
 1486 qualifying project will be determined.

1487 (6) The Department of Commerce ~~Economic Opportunity,~~ in
 1488 ~~consultation with Enterprise Florida, Inc.,~~ is authorized to
 1489 develop the necessary guidelines and application materials for
 1490 the certification process described in subsection (5).

1491 Section 26. Section 220.194, Florida Statutes, is
 1492 repealed.

1493 Section 27. Paragraph (b) of subsection (1) and paragraph
 1494 (a) of subsection (2) of section 220.196, Florida Statutes, are
 1495 amended to read:

1496 220.196 Research and development tax credit.—

1497 (1) DEFINITIONS.—As used in this section, the term:

1498 (b) "Business enterprise" means any corporation as defined
 1499 in s. 220.03 which meets the definition of a target industry
 1500 business as defined in s. 288.005 ~~s. 288.106.~~

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1501 (2) TAX CREDIT.—

1502 (a) As provided in this section, a business enterprise is

1503 eligible for a credit against the tax imposed by this chapter if

1504 it:

1505 1. Has qualified research expenses in this state in the

1506 taxable year exceeding the base amount;

1507 2. Claims and is allowed a research credit for such

1508 qualified research expenses under 26 U.S.C. s. 41 for the same

1509 taxable year as subparagraph 1.; and

1510 3. Is a qualified target industry business as defined in

1511 former s. 288.106(2)(n), Florida Statutes 2022. Only qualified

1512 target industry businesses in the manufacturing, life sciences,

1513 information technology, aviation and aerospace, homeland

1514 security and defense, cloud information technology, marine

1515 sciences, materials science, and nanotechnology industries may

1516 qualify for a tax credit under this section. A business applying

1517 for a credit pursuant to this section shall include a letter

1518 from the Department of Commerce ~~Economic Opportunity~~ certifying

1519 whether the business meets the requirements of this subparagraph

1520 with its application for credit. The Department of Commerce

1521 ~~Economic Opportunity~~ shall provide such a letter upon receiving

1522 a request.

1523 Section 28. Section 272.11, Florida Statutes, is amended

1524 to read:

1525 272.11 Capitol information center.—The Florida Tourism

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1526 | Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, shall
 1527 | establish, maintain, and operate a Capitol information center
 1528 | somewhere within the area of the Capitol Center and employ
 1529 | personnel or enter into contracts to maintain same.

1530 | Section 29. Paragraph (f) of subsection (1) of section
 1531 | 287.0947, Florida Statutes, is amended to read:

1532 | 287.0947 Florida Advisory Council on Small and Minority
 1533 | Business Development; creation; membership; duties.—

1534 | (1) The Secretary of Management Services may create the
 1535 | Florida Advisory Council on Small and Minority Business
 1536 | Development with the purpose of advising and assisting the
 1537 | secretary in carrying out the secretary's duties with respect to
 1538 | minority businesses and economic and business development. It is
 1539 | the intent of the Legislature that the membership of such
 1540 | council include practitioners, laypersons, financiers, and
 1541 | others with business development experience who can provide
 1542 | invaluable insight and expertise for this state in the
 1543 | diversification of its markets and networking of business
 1544 | opportunities. The council shall initially consist of 19
 1545 | persons, each of whom is or has been actively engaged in small
 1546 | and minority business development, either in private industry,
 1547 | in governmental service, or as a scholar of recognized
 1548 | achievement in the study of such matters. Initially, the council
 1549 | shall consist of members representing all regions of the state
 1550 | and shall include at least one member from each group identified

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1551 within the definition of "minority person" in s. 288.703(4),
 1552 considering also gender and nationality subgroups, and shall
 1553 consist of the following:

1554 (f) The Secretary of Commerce or his or her designee A
 1555 ~~member from the board of directors of Enterprise Florida, Inc.~~
 1556

1557 A candidate for appointment may be considered if eligible to be
 1558 certified as an owner of a minority business enterprise, or if
 1559 otherwise qualified under the criteria above. Vacancies may be
 1560 filled by appointment of the secretary, in the manner of the
 1561 original appointment.

1562 Section 30. Paragraph (e) of subsection (1) of section
 1563 287.137, Florida Statutes, is amended to read:

1564 287.137 Antitrust violations; denial or revocation of the
 1565 right to transact business with public entities; denial of
 1566 economic benefits.—

1567 (1) As used in this section, the term:

1568 (e) "Economic incentives" means state grants, cash grants,
 1569 tax exemptions, tax refunds, tax credits, state funds, and other
 1570 state incentives under chapter 288 or administered by the
 1571 Department of Commerce ~~Enterprise Florida, Inc.~~

1572 Section 31. Subsections (2) and (4) of section 288.0001,
 1573 Florida Statutes, are amended to read:

1574 288.0001 Economic Development Programs Evaluation.—The
 1575 Office of Economic and Demographic Research and the Office of

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1576 Program Policy Analysis and Government Accountability (OPPAGA)
 1577 shall develop and present to the Governor, the President of the
 1578 Senate, the Speaker of the House of Representatives, and the
 1579 chairs of the legislative appropriations committees the Economic
 1580 Development Programs Evaluation.

1581 (2) The Office of Economic and Demographic Research and
 1582 OPPAGA shall provide a detailed analysis of economic development
 1583 programs as provided in the following schedule:

1584 (a) By January 1, 2014, and every 3 years thereafter, an
 1585 analysis of the following:

1586 1. The capital investment tax credit established under s.
 1587 220.191.

1588 2. Space Florida established under s. 331.302.

1589 3. The research and development tax credit established
 1590 under 220.196.

1591 4. The Urban High-Crime Area Job Tax Credit Program
 1592 established under s. 212.097 and authorized under s. 220.1895.

1593 5. The Rural Job Tax Credit Program established under s.
 1594 212.098 and authorized under s. 220.1895.

1595 6. The Florida Job Growth Grant Fund established under s.
 1596 288.101 ~~The qualified target industry tax refund established~~
 1597 ~~under s. 288.106.~~

1598 ~~7.3.~~ The brownfield redevelopment bonus refund established
 1599 under s. 288.107.

1600 ~~4. High-impact business performance grants established~~

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1601 ~~under s. 288.108.~~

1602 ~~5. The Quick Action Closing Fund established under s.~~

1603 ~~288.1088.~~

1604 ~~6. The Innovation Incentive Program established under s.~~

1605 ~~288.1089.~~

1606 ~~7. Enterprise Zone Program incentives established under~~

1607 ~~ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.~~

1608 ~~8. The New Markets Development Program established under~~

1609 ~~ss. 288.991-288.9922.~~

1610 (b) By January 1, 2015, and every 3 years thereafter, an

1611 analysis of ~~the following:~~

1612 ~~1. The entertainment industry financial incentive program~~

1613 ~~established under s. 288.1254.~~

1614 ~~2.~~ The entertainment industry sales tax exemption program

1615 established under s. 288.1258.

1616 ~~2.3.~~ VISIT Florida and its programs established or funded

1617 under ss. 288.122, 288.1226, 288.12265, and 288.124.

1618 ~~3.4.~~ The Florida Sports Foundation and related programs, l

1619 including those established under ss. 288.1162, 288.11621,

1620 288.1166, and 288.1167, ~~288.1168, 288.1169, and 288.1171.~~

1621 (c) By January 1, 2016, and every 3 years thereafter, an

1622 analysis of the following:

1623 ~~1. The qualified defense contractor and space flight~~

1624 ~~business tax refund program established under s. 288.1045.~~

1625 ~~2.~~ The tax exemption for semiconductor, defense, or space

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1626 technology sales established under s. 212.08(5) (j).

1627 ~~2.3.~~ The Military Base Protection Program established
1628 under s. 288.980.

1629 ~~3.4.~~ The Quick Response Training Program established under
1630 s. 288.047.

1631 ~~4.5.~~ The Incumbent Worker Training Program established
1632 under s. 445.003.

1633 ~~5.6.~~ The direct-support organization and international
1634 trade and business development programs established or funded
1635 under s. 288.012 or s. 288.826.

1636 ~~6.(d) By January 1, 2019, and every 3 years thereafter, an~~
1637 ~~analysis of~~ The grant and entrepreneur initiative programs
1638 established under s. 295.22 (3) (d) and (e).

1639 (4) Pursuant to the schedule established in subsection
1640 (2), OPPAGA shall evaluate each program over the previous 3
1641 years for its effectiveness and value to the taxpayers of this
1642 state and include recommendations on each program for
1643 consideration by the Legislature. The analysis may include
1644 relevant economic development reports or analyses prepared by
1645 the department of ~~Economic Opportunity, Enterprise Florida,~~
1646 ~~Inc.~~ or local or regional economic development organizations, ~~+~~
1647 interviews with the parties involved, ~~+~~ or any other relevant
1648 data.

1649 Section 32. Paragraph (b) of subsection (4) of section
1650 288.001, Florida Statutes, is amended to read:

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1651 288.001 The Florida Small Business Development Center
1652 Network.—

1653 (4) STATEWIDE ADVISORY BOARD.—

1654 (b) The statewide advisory board shall consist of 19
1655 members from across the state. At least 12 members must be
1656 representatives of the private sector who are knowledgeable of
1657 the needs and challenges of small businesses. The members must
1658 represent various segments and industries of the economy in this
1659 state and must bring knowledge and skills to the statewide
1660 advisory board which would enhance the board's collective
1661 knowledge of small business assistance needs and challenges.
1662 Minority and gender representation must be considered when
1663 making appointments to the board. The board must include the
1664 following members:

1665 1. Three members appointed from the private sector by the
1666 President of the Senate.

1667 2. Three members appointed from the private sector by the
1668 Speaker of the House of Representatives.

1669 3. Three members appointed from the private sector by the
1670 Governor.

1671 4. Three members appointed from the private sector by the
1672 network's statewide director.

1673 5. One member appointed by the host institution.

1674 6. The Secretary of Commerce ~~President of Enterprise~~
1675 ~~Florida, Inc.,~~ or his or her designee.

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1676 7. The Chief Financial Officer or his or her designee.
 1677 8. The President of the Florida Chamber of Commerce or his
 1678 or her designee.
 1679 9. The Small Business Development Center Project Officer
 1680 from the U.S. Small Business Administration at the South Florida
 1681 District Office or his or her designee.
 1682 10. The executive director of the National Federation of
 1683 Independent Businesses, Florida, or his or her designee.
 1684 11. The executive director of the Florida United Business
 1685 Association or his or her designee.
 1686 Section 33. Present subsections (1), (3), (4), and (5) of
 1687 section 288.005, Florida Statutes, are redesignated as
 1688 subsections (3), (4), (5), and (6), respectively, and a new
 1689 subsection (1) and subsections (7), (8), and (9) are added to
 1690 that section, to read:
 1691 288.005 Definitions.—As used in this chapter, the term:
 1692 (1) "County destination marketing organization" means a
 1693 public or private agency that is funded by local option tourist
 1694 development tax revenues under s. 125.0104, or local option
 1695 convention development tax revenues under s. 212.0305, and is
 1696 officially designated by a county commission to market and
 1697 promote the area for tourism or convention business or, in any
 1698 county that has not levied such taxes, a public or private
 1699 agency that is officially designated by the county commission to
 1700 market and promote the area for tourism or convention business.

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1701 (7) "Target industry business" means a corporate
1702 headquarters business or any business that is engaged in one of
1703 the target industries identified pursuant to the following
1704 criteria developed by the Department of Commerce:

1705 (a) Future growth.—The industry forecast indicates strong
1706 expectation for future growth in employment and output,
1707 according to the most recent available data. Special
1708 consideration should be given to businesses that export goods
1709 to, or provide services in, international markets and businesses
1710 that onshore business operations to replace domestic and
1711 international imports of goods or services.

1712 (b) Stability.—The industry is not subject to periodic
1713 layoffs, whether due to seasonality or sensitivity to volatile
1714 economic variables such as weather. The industry is also
1715 relatively resistant to recession, so that the demand for
1716 products of this industry is not typically subject to decline
1717 during an economic downturn.

1718 (c) High wage.—The industry pays relatively high wages
1719 compared to statewide or area averages.

1720 (d) Market and resource independent.—The industry business
1721 location is not dependent on markets or resources in the state
1722 as indicated by industry analysis, except for businesses in the
1723 renewable energy industry.

1724 (e) Industrial base diversification and strengthening.—The
1725 industry contributes toward expanding or diversifying the

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1726 state's or area's economic base, as indicated by analysis of
1727 employment and output shares compared to national and regional
1728 trends. Special consideration should be given to industries that
1729 strengthen regional economies by adding value to basic products
1730 or building regional industrial clusters as indicated by
1731 industry analysis. Special consideration should also be given to
1732 the development of strong industrial clusters that include
1733 defense and homeland security businesses.

1734 (f) *Positive economic impact.*—The industry has strong
1735 positive economic impacts on or benefits to the state or
1736 regional economies. Special consideration should be given to
1737 industries that facilitate the development of the state as a hub
1738 for domestic and global trade and logistics.

1739
1740 The term does not include any business engaged in retail
1741 industry activities; any electrical utility company as defined
1742 in s. 366.02 (4); any phosphate or other solid minerals
1743 severance, mining, or processing operation; any oil or gas
1744 exploration or production operation; or any business subject to
1745 regulation by the Division of Hotels and Restaurants of the
1746 Department of Business and Professional Regulation. Any business
1747 within NAICS code 5611 or 5614, office administrative services
1748 and business support services, respectively, may be considered a
1749 target industry business only after the local governing body and
1750 the Department of Commerce determine that the community in which

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1751 the business may locate has conditions affecting the fiscal and
 1752 economic viability of the local community or area, including,
 1753 but not limited to, low per capita income, high unemployment,
 1754 high underemployment, and a lack of year-round stable employment
 1755 opportunities, and such conditions may be improved by the
 1756 business locating in such community. By January 1 of every 3rd
 1757 year, beginning January 1, 2011, the Department of Commerce, in
 1758 consultation with economic development organizations, the State
 1759 University System, local governments, employee and employer
 1760 organizations, market analysts, and economists, shall review
 1761 and, as appropriate, revise the list of target industries and
 1762 submit the list to the Governor, the President of the Senate,
 1763 and the Speaker of the House of Representatives.

1764 (8) "Tourism marketing" means any effort exercised to
 1765 attract domestic and international visitors from outside the
 1766 state to destinations in this state and to stimulate Florida
 1767 resident tourism to areas within the state.

1768 (9) "Tourist" means any person who participates in trade
 1769 or recreation activities outside the county of his or her
 1770 permanent residence or who rents or leases transient living
 1771 quarters or accommodations as described in s. 125.0104(3)(a).

1772 Section 34. Section 288.012, Florida Statutes, is amended
 1773 to read:

1774 288.012 State of Florida international offices; direct-
 1775 support organization.—The Legislature finds that the expansion

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1776 of international trade and tourism is vital to the overall
 1777 health and growth of the economy of this state. This expansion
 1778 is hampered by the lack of technical and business assistance,
 1779 financial assistance, and information services for businesses in
 1780 this state. The Legislature finds that these businesses could be
 1781 assisted by providing these services at State of Florida
 1782 international offices. The Legislature further finds that the
 1783 accessibility and provision of services at these offices can be
 1784 enhanced through cooperative agreements or strategic alliances
 1785 between private businesses and state, local, and international
 1786 governmental entities.

1787 (1) The department is authorized to:

1788 (a) Establish and operate offices in other countries for
 1789 the purpose of promoting trade and economic development
 1790 opportunities of the state, and promoting the gathering of trade
 1791 data information and research on trade opportunities in specific
 1792 countries.

1793 (b) Enter into agreements with governmental and private
 1794 sector entities to establish and operate offices in other
 1795 countries which contain provisions that may conflict with the
 1796 general laws of the state pertaining to the purchase of office
 1797 space, employment of personnel, and contracts for services. When
 1798 agreements pursuant to this section are made which set
 1799 compensation in another country's currency, such agreements
 1800 shall be subject to the requirements of s. 215.425, but the

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1801 purchase of another country's currency by the department to meet
 1802 such obligations shall be subject only to s. 216.311.

1803 (2) Each international office shall have in place an
 1804 operational plan approved by the participating boards or other
 1805 governing authority, a copy of which shall be provided to the
 1806 department. These operating plans shall be reviewed and updated
 1807 each fiscal year and shall include, at a minimum, the following:

1808 (a) Specific policies and procedures encompassing the
 1809 entire scope of the operation and management of each office.

1810 (b) A comprehensive, commercial strategic plan identifying
 1811 marketing opportunities and industry sector priorities for the
 1812 country in which an international office is located.

1813 (c) Provisions for access to information for Florida
 1814 businesses related to trade leads and inquiries.

1815 (d) Identification of new and emerging market
 1816 opportunities for Florida businesses. This information shall be
 1817 provided either free of charge or on a fee basis with fees set
 1818 only to recover the costs of providing the information.

1819 (e) Provision of access for Florida businesses to
 1820 international trade assistance services provided by state and
 1821 local entities, seaport and airport information, and other
 1822 services identified by the department.

1823 (f) Qualitative and quantitative performance measures for
 1824 each office, including, but not limited to, the number of
 1825 businesses assisted, the number of trade leads and inquiries

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1826 generated, the number of international buyers and importers
 1827 contacted, and the amount and type of marketing conducted.
 1828 (3) Each international office shall annually submit to the
 1829 department ~~Enterprise Florida, Inc.,~~ a complete and detailed
 1830 report on its activities and accomplishments during the previous
 1831 fiscal year. ~~for inclusion in the annual report required under~~
 1832 ~~s. 288.906. In the format and by the annual date prescribed by~~
 1833 ~~Enterprise Florida, Inc.,~~ The report must set forth information
 1834 on:
 1835 (a) The number of Florida companies assisted.
 1836 (b) The number of inquiries received about investment
 1837 opportunities in this state.
 1838 (c) The number of trade leads generated.
 1839 (d) The number of investment projects announced.
 1840 (e) The estimated U.S. dollar value of sales
 1841 confirmations.
 1842 (f) The number of representation agreements.
 1843 (g) The number of company consultations.
 1844 (h) Barriers or other issues affecting the effective
 1845 operation of the office.
 1846 (i) Changes in office operations which are planned for the
 1847 current fiscal year.
 1848 (j) Marketing activities conducted.
 1849 (k) Strategic alliances formed with organizations in the
 1850 country in which the office is located.

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1851 (1) Activities conducted with Florida's other
 1852 international offices.

1853 (m) Any other information that the office believes would
 1854 contribute to an understanding of its activities.

1855 (4) The Department of Commerce ~~Economic Opportunity~~, in
 1856 connection with the establishment, operation, and management of
 1857 any of its offices located in another country, is exempt from
 1858 the provisions of ss. 255.21, 255.25, and 255.254 relating to
 1859 leasing of buildings; ss. 283.33 and 283.35 relating to bids for
 1860 printing; ss. 287.001-287.20 relating to purchasing and motor
 1861 vehicles; and ss. 282.003-282.00515 and 282.702-282.7101
 1862 relating to communications, and from all statutory provisions
 1863 relating to state employment.

1864 (a) The department may exercise such exemptions only upon
 1865 prior approval of the Governor.

1866 (b) If approval for an exemption under this section is
 1867 granted as an integral part of a plan of operation for a
 1868 specified international office, such action shall constitute
 1869 continuing authority for the department to exercise the
 1870 exemption, but only in the context and upon the terms originally
 1871 granted. Any modification of the approved plan of operation with
 1872 respect to an exemption contained therein must be resubmitted to
 1873 the Governor for his or her approval. An approval granted to
 1874 exercise an exemption in any other context shall be restricted
 1875 to the specific instance for which the exemption is to be

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1876 exercised.

1877 (c) As used in this subsection, the term "plan of
1878 operation" means the plan developed pursuant to subsection (2).

1879 (d) Upon final action by the Governor with respect to a
1880 request to exercise the exemption authorized in this subsection,
1881 the department shall report such action, along with the original
1882 request and any modifications thereto, to the President of the
1883 Senate and the Speaker of the House of Representatives within 30
1884 days.

1885 (5) Where feasible and appropriate, international offices
1886 established and operated under this section may provide one-stop
1887 access to the economic development, trade, and tourism
1888 information, services, and programs of the state. Where feasible
1889 and appropriate, such offices may also be collocated with other
1890 international offices of the state.

1891 (6) (a) The department shall establish and contract with a
1892 direct-support organization, organized as a nonprofit under
1893 chapter 617 and recognized under s. 501(c) (3) of the Internal
1894 Revenue Code, to carry out the provisions of this section,
1895 assist with the coordination of international trade development
1896 efforts, and assist in development and planning related to
1897 foreign investment, international partnerships, and other
1898 international business and trade development. The organization
1899 is exempt from paying fees under s. 617.0122.

1900 (b) The direct-support organization shall act as the

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1901 international trade and travel mission organization for the
 1902 state, utilizing private sector and public sector expertise in
 1903 collaboration with the department. The direct-support
 1904 organization shall provide assistance and promotional support
 1905 for international offices, trade and promotion, development and
 1906 planning related to foreign investment, international
 1907 partnerships, and other international business and trade
 1908 development in conjunction with the department. The direct-
 1909 support organization may coordinate and plan international trade
 1910 missions, including setting up travel, arranging for
 1911 participation by Florida businesses, and tracking data related
 1912 to outcomes of the trade missions on behalf of the department.
 1913 The organization shall comply with the per diem and travel
 1914 expense provisions of s. 112.061.

1915 (c)1. The direct-support organization shall be governed by
 1916 a board of directors. The Secretary of Commerce, or his or her
 1917 designee, shall serve as the ex officio, nonvoting executive
 1918 director of the board. The Secretary of Commerce, or his or her
 1919 designee, shall appoint seven board members, including a chair
 1920 of the board. Appointed members must represent and reflect the
 1921 state's interest in international trade and development efforts
 1922 and have experience or knowledge that will assist in development
 1923 and planning related to foreign investment, international
 1924 partnerships, and other international business and trade
 1925 development. All appointments must be made by December 1, 2023.

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1926 2. Appointed members shall serve for a term of 4 years. A
 1927 vacancy shall be filled for the remainder of the unexpired term
 1928 in the same manner as the initial appointment. All members of
 1929 the board are eligible for reappointment.

1930 3. Members of the board of directors shall serve without
 1931 compensation; however, the members may be reimbursed for
 1932 reasonable, necessary, and actual travel expenses pursuant to s.
 1933 112.061.

1934 4. The board of directors shall meet at least quarterly
 1935 and at other times upon the call of the chair, and may use any
 1936 method of telecommunications to conduct, or establish a quorum
 1937 at, its meetings or the meetings of a subcommittee or other
 1938 subdivision if the public is given proper notice of the
 1939 telecommunications meeting and provided reasonable access to
 1940 observe and, if appropriate, to participate. A majority of the
 1941 total current membership of the board of directors constitutes a
 1942 quorum of the board.

1943 (d) The senior managers and members of the board of
 1944 directors of the organization of the organization are subject to
 1945 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1946 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10),
 1947 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 1948 president and staff, those persons shall be considered public
 1949 officers or employees and the corporation shall be considered
 1950 their agency. The exemption set forth in s. 112.313(12) for

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1951 advisory boards applies to the members of board of directors.
 1952 Further, each member of the board of directors who is not
 1953 otherwise required to file financial disclosures pursuant to s.
 1954 8, Art. II of the State Constitution or s. 112.3144, shall file
 1955 disclosure of financial interests pursuant to s. 112.3145.

1956 (e) The Legislature determines it is in the public
 1957 interest and reflects the state's public policy that the direct-
 1958 support organization operate in the most open and accessible
 1959 manner consistent with its public purposes. As such, its
 1960 divisions, boards, and advisory councils, or similar entities
 1961 created or managed by the organization are subject to the
 1962 provisions of chapter 119 relating to public records and those
 1963 provisions of chapter 286 relating to public meetings and
 1964 records.

1965 (f) The department and the direct-support organization
 1966 must enter into a performance-based contract, pursuant to s.
 1967 20.60, that includes:

1968 1. Specification of the approval of the department, the
 1969 powers and duties of the direct-support organization, and rules
 1970 with which the direct-support organization must comply. The
 1971 department must approve the articles of incorporation and bylaws
 1972 of the direct-support organization.

1973 2. Authorization by the department, without charge, for
 1974 appropriate use of property, facilities, and personnel of the
 1975 department by the direct-support organization for approved

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1976 | purposes. The contract must prescribe the conditions with which
 1977 | the organization must comply in order to use property,
 1978 | facilities, or personnel of the department. Such conditions must
 1979 | provide for budget and audit review and oversight by the
 1980 | department. However, the department may not authorize the use of
 1981 | property, facilities, or personnel of the department by the
 1982 | direct-support organization that does not provide equal
 1983 | employment opportunities to all persons regardless of race,
 1984 | color, religion, sex, age, or national origin.

1985 | 3. Conditions for termination of the contract by the
 1986 | department, at any time, if the department determines that the
 1987 | direct-support organization no longer meets the objectives of
 1988 | this section.

1989 | (g) The direct-support organization may conduct programs
 1990 | and activities; raise funds; request and receive grants, gifts,
 1991 | and bequests of money; acquire, receive, hold, invest, and
 1992 | administer, in its own name, securities, funds, objects of
 1993 | value, or other property, real or personal; and make
 1994 | expenditures to or for the direct or indirect benefit of the
 1995 | organization if such furthers the duties and mission of the
 1996 | organization and is in the best interests of this state.

1997 | (h) The direct-support organization may accept grants or
 1998 | other donations in order to facilitate trade missions and
 1999 | conduct other related international activities. Funds of the
 2000 | organization must be held in a separate depository account in

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2001 the name of the organization, subject to the provisions of the
 2002 contract with the department, and must be used in a manner
 2003 consistent with the goals of the organization. Any funds and
 2004 property held by the organization shall revert to the department
 2005 if the organization is no longer approved to operate by the
 2006 department, fails to maintain its tax-exempt status, or ceases
 2007 to exist.

2008 (i) The department must determine and annually certify
 2009 that the direct-support organization is complying with the terms
 2010 of the contract and is doing so consistent with the goals and
 2011 purposes of the organization and in the best interests of the
 2012 state. The organization is required to annually submit to the
 2013 department its federal Internal Revenue Service Application for
 2014 Recognition of Exemption form (Form 1023) and federal Internal
 2015 Revenue Service Return of Organization Exempt from Income Tax
 2016 form (Form 990); an annual budget for approval by the
 2017 department; an annual financial audit in accordance with s.
 2018 215.981; and an annual itemized accounting of the total amount
 2019 of travel and entertainment expenses.

2020 (j) The fiscal year of the direct-support organization
 2021 begins on July 1 of each year and ends on June 30 of the
 2022 following year. By August 15 of each fiscal year, the department
 2023 shall submit a proposed operating budget for the direct-support
 2024 organization, including amounts to be expended on international
 2025 offices, trade missions, events, other operating capital outlay,

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2026 salaries and benefits for each employee, and contributions and
 2027 expenditures, to the Governor, the President of the Senate, and
 2028 the Speaker of the House of Representatives.

2029 (k) This subsection is repealed October 1, 2028, unless
 2030 reviewed and saved from repeal by the Legislature ~~The department~~
 2031 ~~is authorized to make and to enter into contracts with~~
 2032 ~~Enterprise Florida, Inc., to carry out the provisions of this~~
 2033 ~~section. The authority, duties, and exemptions provided in this~~
 2034 ~~section apply to Enterprise Florida, Inc., to the same degree~~
 2035 ~~and subject to the same conditions as applied to the department.~~
 2036 ~~To the greatest extent possible, such contracts shall include~~
 2037 ~~provisions for cooperative agreements or strategic alliances~~
 2038 ~~between private businesses and state, international, and local~~
 2039 ~~governmental entities to operate international offices.~~

2040 Section 35. Section 288.017, Florida Statutes, is amended
 2041 to read:

2042 288.017 Cooperative advertising matching grants program.—

2043 (1) The Florida Tourism Industry Marketing Corporation
 2044 ~~Enterprise Florida, Inc.,~~ is authorized to establish a
 2045 cooperative advertising matching grants program and, pursuant
 2046 thereto, to make expenditures and enter into contracts with
 2047 local governments and nonprofit corporations for the purpose of
 2048 publicizing the tourism advantages of the state. The department,
 2049 based on recommendations from the corporation ~~Enterprise~~
 2050 ~~Florida, Inc.,~~ shall have final approval of grants awarded

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2051 through this program. ~~Enterprise Florida, Inc., may contract~~
 2052 ~~with its direct support organization to administer the program.~~

2053 (2) The total annual allocation of funds for this grant
 2054 program may not exceed \$40,000. Each grant awarded under the
 2055 program shall be limited to no more than \$2,500 and shall be
 2056 matched by nonstate dollars. All grants shall be restricted to
 2057 local governments and nonprofit corporations serving and located
 2058 in municipalities having a population of 50,000 persons or less
 2059 or in counties with an unincorporated area having a population
 2060 of 200,000 persons or less.

2061 (3) The Florida Tourism Marketing Corporation ~~Enterprise~~
 2062 ~~Florida, Inc.,~~ shall conduct an annual competitive selection
 2063 process for the award of grants under the program. In
 2064 determining its recommendations for the grant awards, the
 2065 corporation ~~commission~~ shall consider the demonstrated need of
 2066 the applicant for advertising assistance, the feasibility and
 2067 projected benefit of the applicant's proposal, the amount of
 2068 nonstate funds that will be leveraged, and such other criteria
 2069 as the department ~~commission~~ deems appropriate. In evaluating
 2070 grant applications, the department shall consider
 2071 recommendations from the corporation ~~Enterprise Florida, Inc.~~
 2072 The department, however, has final approval authority for any
 2073 grant under this section.

2074 Section 36. Subsection (4) of section 288.018, Florida
 2075 Statutes, is amended to read:

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2076 288.018 Regional Rural Development Grants Program.—
 2077 (4) The department may expend up to \$750,000 each fiscal
 2078 year from funds appropriated to the Rural Community Development
 2079 Revolving Loan Fund for the purposes outlined in this section.
 2080 ~~The department may contract with Enterprise Florida, Inc., for~~
 2081 ~~the administration of the purposes specified in this section.~~
 2082 ~~Funds released to Enterprise Florida, Inc., for this purpose~~
 2083 ~~shall be released quarterly and shall be calculated based on the~~
 2084 ~~applications in process.~~

2085 Section 37. Subsections (1), (9), and (10) of section
 2086 288.047, Florida Statutes, are amended to read:

2087 288.047 Quick-response training for economic development.—

2088 (1) The Quick-Response Training Program is created to meet
 2089 the workforce-skill needs of existing, new, and expanding
 2090 industries. The program shall be administered by CareerSource
 2091 Florida, Inc., in conjunction with ~~Enterprise Florida, Inc., and~~
 2092 the Department of Education. CareerSource Florida, Inc., shall
 2093 adopt guidelines for the administration of this program, shall
 2094 provide technical services, and shall identify businesses that
 2095 seek services through the program. ~~CareerSource Florida, Inc.,~~
 2096 ~~may contract with Enterprise Florida, Inc., or administer this~~
 2097 ~~program directly, if it is determined that such an arrangement~~
 2098 ~~maximizes the amount of the Quick Response grant going to direct~~
 2099 ~~services.~~

2100 ~~(9) Notwithstanding any other provision of law, eligible~~

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2101 ~~matching contributions received under this section from the~~
 2102 ~~Quick-Response Training Program may be counted toward the~~
 2103 ~~private sector support of Enterprise Florida, Inc., under s.~~
 2104 ~~288.904.~~

2105 ~~(10) CareerSource Florida, Inc., and Enterprise Florida,~~
 2106 ~~Inc., shall coordinate and cooperate in administering this~~
 2107 ~~section so that any division of responsibility between the two~~
 2108 ~~organizations which relates to marketing or administering the~~
 2109 ~~Quick-Response Training Program is not apparent to a business~~
 2110 ~~that inquires about or applies for funding under this section. A~~
 2111 ~~business shall be provided with a single point of contact for~~
 2112 ~~information and assistance.~~

2113 Section 38. Subsections (1) and (4) of section 288.061,
 2114 Florida Statutes, are amended to read:

2115 288.061 Economic development incentive application
 2116 process.—

2117 (1) Upon receiving a submitted economic development
 2118 incentive application, the Division of Economic Strategie
 2119 ~~Business~~ Development of the department ~~of Economic Opportunity~~
 2120 ~~and designated staff of Enterprise Florida, Inc.,~~ shall review
 2121 the application to ensure that the application is complete,
 2122 whether and what type of state and local permits may be
 2123 necessary for the applicant's project, whether it is possible to
 2124 waive such permits, and what state incentives and amounts of
 2125 such incentives may be available to the applicant. The

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2126 department shall recommend to the Secretary of Commerce ~~Economic~~
 2127 ~~Opportunity~~ to approve or disapprove an applicant business. If
 2128 review of the application demonstrates that the application is
 2129 incomplete, the secretary shall notify the applicant business
 2130 within the first 5 business days after receiving the
 2131 application.

2132 (4) The department shall validate contractor performance
 2133 and report such validation in the annual incentives report
 2134 required under s. 288.0065 ~~s. 288.907~~.

2135 Section 39. Paragraph (e) of subsection (2) and
 2136 subsections (3) and (4) of section 288.0655, Florida Statutes,
 2137 are amended to read:

2138 288.0655 Rural Infrastructure Fund.—

2139 (2)

2140 (e) To enable local governments to access the resources
 2141 available pursuant to s. 403.973(17) ~~s. 403.973(18)~~, the
 2142 department may award grants for surveys, feasibility studies,
 2143 and other activities related to the identification and
 2144 preclearance review of land which is suitable for preclearance
 2145 review. Authorized grants under this paragraph may not exceed
 2146 \$75,000 each, except in the case of a project in a rural area of
 2147 opportunity, in which case the grant may not exceed \$300,000.
 2148 Any funds awarded under this paragraph must be matched at a
 2149 level of 50 percent with local funds, except that any funds
 2150 awarded for a project in a rural area of opportunity must be

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2151 | matched at a level of 33 percent with local funds. If an
2152 | application for funding is for a catalyst site, as defined in s.
2153 | 288.0656, the requirement for local match may be waived pursuant
2154 | to the process in s. 288.06561. In evaluating applications under
2155 | this paragraph, the department shall consider the extent to
2156 | which the application seeks to minimize administrative and
2157 | consultant expenses.

2158 | (3) The department, in consultation with ~~Enterprise~~
2159 | ~~Florida, Inc.~~, the Florida Tourism Industry Marketing
2160 | Corporation, the Department of Environmental Protection, and the
2161 | Florida Fish and Wildlife Conservation Commission, as
2162 | appropriate, shall review and certify applications pursuant to
2163 | s. 288.061. The review shall include an evaluation of the
2164 | economic benefit of the projects and their long-term viability.
2165 | The department shall have final approval for any grant under
2166 | this section.

2167 | ~~(4) By September 1, 2021, the department shall, in~~
2168 | ~~consultation with the organizations listed in subsection (3),~~
2169 | ~~and other organizations, reevaluate existing guidelines and~~
2170 | ~~criteria governing submission of applications for funding,~~
2171 | ~~review and evaluation of such applications, and approval of~~
2172 | ~~funding under this section. The department shall consider~~
2173 | ~~factors including, but not limited to, the project's potential~~
2174 | ~~for enhanced job creation or increased capital investment, the~~
2175 | ~~demonstration and level of local public and private commitment,~~

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2176 ~~whether the project is located in a community development~~
 2177 ~~corporation service area, or in an urban high-crime area as~~
 2178 ~~designated under s. 212.097, the unemployment rate of the county~~
 2179 ~~in which the project would be located, and the poverty rate of~~
 2180 ~~the community.~~

2181 Section 40. Paragraph (a) of subsection (6) and paragraphs
 2182 (a) and (c) of subsection (7) of section 288.0656, Florida
 2183 Statutes, are amended to read:

2184 288.0656 Rural Economic Development Initiative.—

2185 (6)(a) By August 1 of each year, the head of each of the
 2186 following agencies and organizations shall designate a deputy
 2187 secretary or higher-level staff person from within the agency or
 2188 organization to serve as the REDI representative for the agency
 2189 or organization:

- 2190 1. The Department of Transportation.
- 2191 2. The Department of Environmental Protection.
- 2192 3. The Department of Agriculture and Consumer Services.
- 2193 4. The Department of State.
- 2194 5. The Department of Health.
- 2195 6. The Department of Children and Families.
- 2196 7. The Department of Corrections.
- 2197 8. The Department of Education.
- 2198 9. The Department of Juvenile Justice.
- 2199 10. The Fish and Wildlife Conservation Commission.
- 2200 11. Each water management district.

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- 2201 12. ~~Enterprise Florida, Inc.~~
- 2202 ~~13.~~ CareerSource Florida, Inc.
- 2203 ~~13.~~14. VISIT Florida.
- 2204 ~~14.~~15. The Florida Regional Planning Council Association.
- 2205 ~~15.~~16. The Agency for Health Care Administration.
- 2206 ~~16.~~17. The Institute of Food and Agricultural Sciences
- 2207 (IFAS).

2208

2209 An alternate for each designee shall also be chosen, and the
 2210 names of the designees and alternates shall be sent to the
 2211 Secretary of Commerce ~~Economic Opportunity~~.

2212 (7)

2213 (a) REDI may recommend to the Governor up to three rural
 2214 areas of opportunity. The Governor may by executive order
 2215 designate up to three rural areas of opportunity which will
 2216 establish these areas as priority assignments for REDI as well
 2217 as to allow the Governor, acting through REDI, to waive
 2218 criteria, requirements, or similar provisions of any economic
 2219 development incentive. Such incentives shall include, but are
 2220 not limited to, ~~the Qualified Target Industry Tax Refund Program~~
 2221 ~~under s. 288.106,~~ the Quick Response Training Program under s.
 2222 288.047, the Quick Response Training Program for participants in
 2223 the welfare transition program under s. 288.047(8),
 2224 transportation projects under s. 339.2821, the brownfield
 2225 redevelopment bonus refund under s. 288.107, and the rural job

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2226 tax credit program under ss. 212.098 and 220.1895.

2227 (c) Each rural area of opportunity may designate catalyst
 2228 projects, provided that each catalyst project is specifically
 2229 recommended by REDI, ~~identified as a catalyst project by~~
 2230 ~~Enterprise Florida, Inc.,~~ and confirmed as a catalyst project by
 2231 the department. All state agencies and departments shall use all
 2232 available tools and resources to the extent permissible by law
 2233 to promote the creation and development of each catalyst project
 2234 and the development of catalyst sites.

2235 Section 41. Section 288.0658, Florida Statutes, is amended
 2236 to read:

2237 288.0658 Nature-based recreation; promotion and other
 2238 assistance by Fish and Wildlife Conservation Commission.—The
 2239 Florida Fish and Wildlife Conservation Commission is directed to
 2240 assist ~~Enterprise Florida, Inc.;~~ the Florida Tourism Industry
 2241 Marketing Corporation, doing business as VISIT Florida;
 2242 convention and visitor bureaus; tourist development councils;
 2243 economic development organizations; and local governments
 2244 through the provision of marketing advice, technical expertise,
 2245 promotional support, and product development related to nature-
 2246 based recreation and sustainable use of natural resources. In
 2247 carrying out this responsibility, the Florida Fish and Wildlife
 2248 Conservation Commission shall focus its efforts on fostering
 2249 nature-based recreation in rural communities and regions
 2250 encompassing rural communities. As used in this section, the

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2251 term "nature-based recreation" means leisure activities related
 2252 to the state's lands, waters, and fish and wildlife resources,
 2253 including, but not limited to, wildlife viewing, fishing,
 2254 hiking, canoeing, kayaking, camping, hunting, backpacking, and
 2255 nature photography.

2256 Section 42. Subsection (6) of section 288.075, Florida
 2257 Statutes, is amended to read:

2258 288.075 Confidentiality of records.—

2259 (6) ECONOMIC INCENTIVE PROGRAMS.—

2260 (a) The following information held by an economic
 2261 development agency pursuant to the administration of an economic
 2262 incentive program for qualified businesses is confidential and
 2263 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 2264 Constitution for a period not to exceed the duration of the
 2265 incentive agreement, including an agreement authorizing a tax
 2266 refund or tax credit, or upon termination of the incentive
 2267 agreement:

2268 1. The percentage of the business's sales occurring
 2269 outside this state ~~and, for businesses applying under s.~~
 2270 ~~288.1045, the percentage of the business's gross receipts~~
 2271 ~~derived from Department of Defense contracts during the 5 years~~
 2272 ~~immediately preceding the date the business's application is~~
 2273 ~~submitted.~~

2274 2. An individual employee's personal identifying
 2275 information that is held as evidence of the achievement or

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2276 nonachievement of the wage requirements of the tax refund, tax
 2277 credit, or incentive agreement programs or of the job creation
 2278 requirements of such programs.

2279 3. The amount of:

2280 a. Taxes on sales, use, and other transactions paid
 2281 pursuant to chapter 212;

2282 b. Corporate income taxes paid pursuant to chapter 220;

2283 c. Intangible personal property taxes paid pursuant to
 2284 chapter 199;

2285 d. Insurance premium taxes paid pursuant to chapter 624;

2286 e. Excise taxes paid on documents pursuant to chapter 201;

2287 f. Ad valorem taxes paid, as defined in s. 220.03(1); or

2288 g. State communications services taxes paid pursuant to
 2289 chapter 202.

2290
 2291 However, an economic development agency may disclose in the
 2292 annual incentives report required under s. 288.0065 ~~s. 288.907~~
 2293 the aggregate amount of each tax identified in this subparagraph
 2294 and paid by all businesses participating in each economic
 2295 incentive program.

2296 (b)~~1~~. The following information held by an economic
 2297 development agency relating to a specific business participating
 2298 in an economic incentive program is no longer confidential or
 2299 exempt 180 days after a final project order for an economic
 2300 incentive agreement is issued, until a date specified in the

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2301 final project order, or if the information is otherwise
 2302 disclosed, whichever occurs first:
 2303 1.a. The name of the qualified business.
 2304 2.b. The total number of jobs the business committed to
 2305 create or retain.
 2306 3.e. The total number of jobs created or retained by the
 2307 business.
 2308 4.d. Notwithstanding s. 213.053(2), the amount of tax
 2309 refunds, tax credits, or incentives awarded to, claimed by, or,
 2310 if applicable, refunded to the state by the business.
 2311 5.e. The anticipated total annual wages of employees the
 2312 business committed to hire or retain.
 2313 ~~2. For a business applying for certification under s.~~
 2314 ~~288.1045 which is based on obtaining a new Department of Defense~~
 2315 ~~contract, the total number of jobs expected and the amount of~~
 2316 ~~tax refunds claimed may not be released until the new Department~~
 2317 ~~of Defense contract is awarded.~~
 2318 Section 43. Paragraphs (a) and (c) of subsection (1),
 2319 paragraph (e) of subsection (3), and subsections (6), (7), and
 2320 (8) of section 288.076, Florida Statutes, are amended to read:
 2321 288.076 Return on investment reporting for economic
 2322 development programs.—
 2323 (1) As used in this section, the term:
 2324 (a) "Jobs" means full-time equivalent positions,
 2325 including, but not limited to, positions obtained from a

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2326 temporary employment agency or employee leasing company or
 2327 through a union agreement or coemployment under a professional
 2328 employer organization agreement, that result directly from a
 2329 project in this state. The term does not include temporary
 2330 construction jobs involved with the construction of facilities
 2331 for the project or any jobs previously included in any
 2332 application for tax refunds ~~has the same meaning as provided in~~
 2333 ~~s. 288.106(2)(i).~~

2334 (c) "Project" means the creation of a new business or
 2335 expansion of an existing business ~~has the same meaning as~~
 2336 ~~provided in s. 288.106(2)(m).~~

2337 (3) Within 48 hours after expiration of the period of
 2338 confidentiality for project information deemed confidential and
 2339 exempt pursuant to s. 288.075, the department shall publish the
 2340 following information pertaining to each project:

2341 (e) *Project performance goals.*—

2342 1. The incremental direct jobs attributable to the
 2343 project, identifying the number of jobs generated and the number
 2344 of jobs retained.

2345 2. The number of jobs generated and the number of jobs
 2346 retained by the project, and ~~for projects commencing after~~
 2347 ~~October 1, 2013,~~ the average annual wage of persons holding such
 2348 jobs.

2349 3. The incremental direct capital investment in the state
 2350 generated by the project.

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2351 (6) Annually, the department shall publish information
 2352 relating to the progress of Quick Action Closing Fund projects,
 2353 awarded under former s. 288.1088, until all contracts are
 2354 complete or terminated ~~including the average number of days~~
 2355 ~~between the date the department receives a completed application~~
 2356 ~~and the date on which the application is approved.~~

2357 (7)~~(a)~~ Within 48 hours after expiration of the period of
 2358 confidentiality provided under s. 288.075, the department shall
 2359 publish the contract or agreement described in s. 288.061,
 2360 redacted to protect the participant business from disclosure of
 2361 information that remains confidential or exempt by law.

2362 ~~(b) Within 48 hours after submitting any report of~~
 2363 ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~
 2364 ~~concerning a business's failure to complete a tax refund~~
 2365 ~~agreement pursuant to the tax refund program for qualified~~
 2366 ~~target industry businesses, the department shall publish such~~
 2367 ~~report.~~

2368 ~~(8) For projects completed before October 1, 2013, the~~
 2369 ~~department shall compile and, by October 1, 2014, shall publish~~
 2370 ~~the information described in subsections (3), (4), and (5), to~~
 2371 ~~the extent such information is available and applicable.~~

2372 Section 44. Section 288.095, Florida Statutes, is amended
 2373 to read:

2374 288.095 Economic Development Trust Fund.—

2375 (1) The Economic Development Trust Fund is created within

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2376 the department ~~of Economic Opportunity~~. Moneys deposited into
 2377 the fund must be used only to support the authorized activities
 2378 and operations of the department.

2379 (2) There is created, within the Economic Development
 2380 Trust Fund, the Economic Development Incentives Account. The
 2381 Economic Development Incentives Account consists of moneys
 2382 appropriated to the account for purposes of the tax incentives
 2383 programs authorized under s. 288.107 and former s. 288.106 ~~ss.~~
 2384 ~~288.1045 and 288.106~~, and local financial support provided under
 2385 former s. 288.106 ~~ss. 288.1045 and 288.106~~. Moneys in the
 2386 Economic Development Incentives Account shall be subject to the
 2387 provisions of s. 216.301(1)(a).

2388 (3)(a) ~~The department may approve applications for~~
 2389 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
 2390 The total state share of tax refund payments may not exceed \$35
 2391 million.

2392 (b) The total amount of tax refund claims approved for
 2393 payment by the department based on actual project performance
 2394 may not exceed the amount appropriated to the Economic
 2395 Development Incentives Account for such purposes for the fiscal
 2396 year. Claims for tax refunds under s. 288.107 and former ~~ss.~~
 2397 ~~288.1045 and 288.106~~ shall be paid in the order the claims are
 2398 approved by the department. In the event the Legislature does
 2399 not appropriate an amount sufficient to satisfy the tax refunds
 2400 under s. 288.107 and former s. 288.106 ~~ss. 288.1045 and 288.106~~

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2401 in a fiscal year, the department shall pay the tax refunds from
 2402 the appropriation for the following fiscal year. By March 1 of
 2403 each year, the department shall notify the legislative
 2404 appropriations committees of the Senate and House of
 2405 Representatives of any anticipated shortfall in the amount of
 2406 funds needed to satisfy claims for tax refunds from the
 2407 appropriation for the current fiscal year.

2408 (c) Moneys in the Economic Development Incentives Account
 2409 may be used only to pay tax refunds and make other payments
 2410 authorized under ~~s. 288.1045, s. 288.106, or s. 288.107~~ or in
 2411 agreements authorized under former s. 288.106. The department
 2412 shall report within 10 days after the end of each quarter to the
 2413 Office of Policy and Budget in the Executive Officer of the
 2414 Governor, the chair of the Senate Appropriations Committee or
 2415 its successor, and the chair of the House of Representatives
 2416 Appropriations Committee or its successor regarding the status
 2417 of payments made for all economic development programs
 2418 administered by the department under this chapter, including s.
 2419 288.107 and former ss. 288.106 and 288.108.

2420 (d) The department may adopt rules necessary to carry out
 2421 ~~the provisions of~~ this subsection, including rules providing for
 2422 the use of moneys in the Economic Development Incentives Account
 2423 and for the administration of the Economic Development
 2424 Incentives Account.

2425 (4) The department shall create a separate account for

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2426 funds transferred from the former Enterprise Florida, Inc., held
 2427 for payments for agreements under the Quick Action Closing Fund
 2428 under former s. 288.1088 or the Innovation Incentive Program
 2429 under former s. 288.1089. The department shall report within 10
 2430 days after the end of each quarter to the Office of Policy and
 2431 Budget in the Executive Office of the Governor, the chair of the
 2432 Senate Appropriations Committee or its successor, and the chair
 2433 of the House of Representatives Appropriations Committee or its
 2434 successor regarding all escrow activity relating to both
 2435 programs, including payments made pursuant to confirmed
 2436 performance under the remaining contracts, payments returned to
 2437 the state due to noncompliance, and contracts terminated due to
 2438 noncompliance. The department must transfer to the General
 2439 Revenue Fund any payments returned to the state, either returned
 2440 by the recipient or through action by the department to
 2441 administratively or otherwise legally obtain repayment of funds,
 2442 and any funds associated with terminated contracts.

2443 Section 45. Subsection (2) and paragraph (c) of subsection
 2444 (3) of section 288.101, Florida Statutes, as amended by chapter
 2445 2023-17, Laws of Florida, are amended to read:

2446 288.101 Florida Job Growth Grant Fund.—

2447 (2) The department ~~and Enterprise Florida, Inc.,~~ may
 2448 identify projects, solicit proposals, and make funding
 2449 recommendations to the Governor, who is authorized to approve:

2450 (a) State or local public infrastructure projects to

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2451 promote:

- 2452 1. Economic recovery in specific regions of this state;
- 2453 2. Economic diversification; or
- 2454 3. Economic enhancement in a targeted industry.

2455 (b) State or local public infrastructure projects to
 2456 facilitate the development or construction of affordable
 2457 housing. This paragraph is repealed July 1, 2033.

2458 (c) ~~Infrastructure funding to accelerate the~~
 2459 ~~rehabilitation of the Herbert Hoover Dike. The department or the~~
 2460 ~~South Florida Water Management District may enter into~~
 2461 ~~agreements, as necessary, with the United States Army Corps of~~
 2462 ~~Engineers to implement this paragraph.~~

2463 ~~(d)~~ Workforce training grants to support programs at state
 2464 colleges and state technical centers that provide participants
 2465 with transferable, sustainable workforce skills applicable to
 2466 more than a single employer, and for equipment associated with
 2467 these programs. The department shall work with CareerSource
 2468 Florida, Inc., to ensure programs are offered to the public
 2469 based on criteria established by the state college or state
 2470 technical center and do not exclude applicants who are
 2471 unemployed or underemployed.

2472 (3) For purposes of this section:

2473 (c) "Targeted industry" means any industry identified in
 2474 the most recent list provided to the Governor, the President of
 2475 the Senate, and the Speaker of the House of Representatives in

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2476 accordance with s. 288.005 ~~s. 288.106(2)(g)~~.

2477 Section 46. Section 288.1045, Florida Statutes, is
 2478 repealed.

2479 Section 47. Section 288.106, Florida Statutes, is
 2480 repealed.

2481 Section 48. Paragraphs (d) and (f) of subsection (1),
 2482 subsection (2), paragraph (b) of subsection (3), subsection (4),
 2483 and paragraph (b) of subsection (5) of section 288.107, Florida
 2484 Statutes, are amended, and paragraph (c) is added to subsection
 2485 (5) of that section, to read:

2486 288.107 Brownfield redevelopment bonus refunds.—

2487 (1) DEFINITIONS.—As used in this section:

2488 (d) "Eligible business" means:

2489 ~~1. A qualified target industry business as defined in s.~~
 2490 ~~288.106(2); or~~

2491 ~~2.~~ a business that can demonstrate a fixed capital
 2492 investment of at least \$2 million in mixed-use business
 2493 activities, including multiunit housing, commercial, retail, and
 2494 industrial in brownfield areas eligible for bonus refunds, and
 2495 that provides benefits to its employees.

2496 (f) "Project" means the creation of a new business or the
 2497 expansion of an existing business ~~as defined in s. 288.106.~~

2498 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
 2499 shall be approved by the department as specified in the final
 2500 order and allowed from the account as ~~follows:~~

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2501 ~~(a) A bonus refund of \$2,500 shall be allowed to any~~
 2502 ~~qualified target industry business as defined in s. 288.106 for~~
 2503 ~~each new Florida job created in a brownfield area eligible for~~
 2504 ~~bonus refunds which is claimed on the qualified target industry~~
 2505 ~~business's annual refund claim authorized in s. 288.106(6).~~

2506 ~~(b) a bonus refund of up to \$2,500 shall be allowed to any~~
 2507 ~~other eligible business as defined in subparagraph (1)(d)2. for~~
 2508 ~~each new Florida job created in a brownfield area eligible for~~
 2509 ~~bonus refunds which is claimed under an annual claim procedure~~
 2510 ~~similar to the annual refund claim authorized in former s.~~
 2511 ~~288.106(6). The amount of the refund shall be equal to 20~~
 2512 ~~percent of the average annual wage for the jobs created.~~

2513 (3) CRITERIA.—The minimum criteria for participation in
 2514 the brownfield redevelopment bonus refund are:

2515 (b) The completion of a fixed capital investment of at
 2516 least \$2 million in mixed-use business activities, including
 2517 multiunit housing, commercial, retail, and industrial in
 2518 brownfield areas eligible for bonus refunds, by an eligible
 2519 business applying for a refund under subsection (2) ~~paragraph~~
 2520 ~~(2)(b)~~ which provides benefits to its employees.

2521 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2522 (a) To be eligible to receive a bonus refund for new
 2523 Florida jobs created in a brownfield area eligible for bonus
 2524 refunds, a business must have been certified as an ~~a qualified~~
 2525 ~~target industry business under s. 288.106 or~~ eligible business

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2526 as defined in paragraph (1) (d) and must have indicated on the
 2527 ~~qualified target industry business~~ tax refund application form
 2528 ~~submitted to the department in accordance with s. 288.106(4) or~~
 2529 ~~other similar agreement for other eligible business as defined~~
 2530 ~~in paragraph (1) (d)~~ that the project for which the application
 2531 is submitted is or will be located in a brownfield area eligible
 2532 for bonus refunds and that the business is applying for
 2533 certification as a qualified brownfield business under this
 2534 section, and must have signed a ~~qualified target industry~~
 2535 ~~business~~ tax refund agreement with the department that indicates
 2536 that the business has been certified as a ~~qualified target~~
 2537 ~~industry business~~ located in a brownfield area eligible for
 2538 bonus refunds and specifies the schedule of brownfield
 2539 redevelopment bonus refunds that the business may be eligible to
 2540 receive in each fiscal year.

2541 (b) To be considered to receive an eligible brownfield
 2542 redevelopment bonus refund payment, the business meeting the
 2543 requirements of paragraph (a) must submit a claim once each
 2544 fiscal year on a claim form approved by the department which
 2545 indicates the location of the brownfield site for which a
 2546 rehabilitation agreement with the Department of Environmental
 2547 Protection or a local government delegated by the Department of
 2548 Environmental Protection has been executed under s. 376.80, the
 2549 address of the business facility's brownfield location, the name
 2550 of the brownfield in which it is located, the number of jobs

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2551 created, and the average wage of the jobs created by the
 2552 business within the brownfield ~~as defined in s. 288.106 or other~~
 2553 ~~eligible business as defined in paragraph (1) (d) and the~~
 2554 ~~administrative rules and policies for that section.~~

2555 (c) ~~The bonus refunds shall be available on the same~~
 2556 ~~schedule as the qualified target industry tax refund payments~~
 2557 ~~scheduled in the qualified target industry tax refund agreement~~
 2558 ~~authorized in s. 288.106 or other similar agreement for other~~
 2559 ~~eligible businesses as defined in paragraph (1) (e).~~

2560 ~~(d) After entering into a tax refund agreement as provided~~
 2561 ~~in s. 288.106 or other similar agreement for other eligible~~
 2562 ~~businesses as defined in paragraph (1) (e), an eligible business~~
 2563 may receive brownfield redevelopment bonus refunds from the
 2564 account:

2565 1. For both of the following taxes due and paid by that
 2566 business beginning with the first taxable year of the business
 2567 that begins after entering into the agreement:

2568 a. Corporate income taxes under chapter 220.

2569 b. Insurance premium tax under s. 624.509.

2570 2. For all of the following taxes due and paid by that
 2571 business after entering into the agreement:

2572 a. Taxes on sales, use, and other transactions under
 2573 chapter 212.

2574 b. Intangible personal property taxes under chapter 199.

2575 c. Excise taxes on documents under chapter 201.

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2576 d. Ad valorem taxes paid, as defined in s. 220.03(1).
 2577 e. State communications services taxes administered under
 2578 chapter 202. This provision does not apply to the gross receipts
 2579 tax imposed under chapter 203 and administered under chapter 202
 2580 or the local communications services tax authorized under s.
 2581 202.19 pursuant to s. 288.106(3)(d).

2582 (d)(e) An eligible business that fraudulently claims a
 2583 refund under this section:

2584 1. Is liable for repayment of the amount of the refund to
 2585 the account, plus a mandatory penalty in the amount of 200
 2586 percent of the tax refund, which shall be deposited into the
 2587 General Revenue Fund.

2588 2. Commits a felony of the third degree, punishable as
 2589 provided in s. 775.082, s. 775.083, or s. 775.084.

2590 (e)(f) Applications shall be reviewed and certified
 2591 pursuant to s. 288.061 before the business has made a decision
 2592 to locate or expand a facility in this state. The department
 2593 shall review all applications submitted ~~under s. 288.106 or~~
 2594 ~~other similar application forms for other eligible businesses as~~
 2595 ~~defined in paragraph (1)(d)~~ which indicate that the proposed
 2596 project will be located in a brownfield area eligible for bonus
 2597 refunds and determine, with the assistance of the Department of
 2598 Environmental Protection, that the project location is within a
 2599 brownfield area eligible for bonus refunds as provided in this
 2600 act.

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2601 (f)~~(g)~~ The department shall approve all claims for a
 2602 brownfield redevelopment bonus refund payment that are found to
 2603 meet the requirements of this section ~~paragraphs (b) and (d)~~.

2604 (g)~~(h)~~ The department, with such assistance as may be
 2605 required from the Department of Environmental Protection, shall
 2606 specify by written final order the amount of the brownfield
 2607 redevelopment bonus refund that is authorized for the ~~qualified~~
 2608 ~~target industry~~ business for the fiscal year within 30 days
 2609 after the date that the claim for the annual tax refund is
 2610 received by the department.

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

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2626 | claims, funds remain in the Economic Development Incentives
 2627 | Account for brownfield redevelopment tax refunds, the department
 2628 | shall recalculate the proportion for each refund claim and
 2629 | adjust the amount of each claim accordingly.

2630 | (i)-(j) Upon approval of the brownfield redevelopment bonus
 2631 | refund, payment shall be made for the amount specified in the
 2632 | final order. If the final order is appealed, payment may not be
 2633 | made for a refund to the ~~qualified target industry~~ business
 2634 | until the conclusion of all appeals of that order.

2635 | (5) ADMINISTRATION.—

2636 | (b) To facilitate the process of monitoring and auditing
 2637 | applications made under this program, the department may provide
 2638 | a list of ~~qualified target industry~~ businesses to the Department
 2639 | of Revenue, to the Department of Environmental Protection, or to
 2640 | any local government authority. The department may request the
 2641 | assistance of those entities with respect to monitoring the
 2642 | payment of the taxes listed in paragraph (3)(c) s. 288.106(3).

2643 | (c) The department may adopt rules, including an
 2644 | application form, to administer this section.

2645 | Section 49. Paragraph (c) of subsection (2) and subsection
 2646 | (6) of section 288.108, Florida Statutes, are amended to read:

2647 | 288.108 High-impact business.—

2648 | (2) DEFINITIONS.—As used in this section, the term:

2649 | (c) "Eligible ~~high-impact~~ business" means a business in
 2650 | one of the designated high-impact sectors ~~identified by~~

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2651 ~~Enterprise Florida, Inc., and certified by the department as~~
 2652 provided in subsection (5), which is making a cumulative
 2653 investment in the state of at least \$50 million and creating at
 2654 least 50 new full-time equivalent jobs in the state or a
 2655 research and development facility making a cumulative investment
 2656 of at least \$25 million and creating at least 25 new full-time
 2657 equivalent jobs. Such investment and employment must be achieved
 2658 in a period not to exceed 3 years after the date the business is
 2659 certified as a qualified high-impact business.

2660 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

2661 (a) The department ~~Enterprise Florida, Inc.,~~ shall, by
 2662 January 1, of every third year, beginning January 1, 2011,
 2663 initiate the process of reviewing and, if appropriate, selecting
 2664 a new high-impact sector for designation or recommending the
 2665 deactivation of a designated high-impact sector. The process of
 2666 reviewing designated high-impact sectors or recommending the
 2667 deactivation of a designated high-impact sector shall be in
 2668 consultation with ~~the department,~~ economic development
 2669 organizations, the State University System, local governments,
 2670 employee and employer organizations, market analysts, and
 2671 economists.

2672 (b) The department has authority, after meeting the
 2673 requirements of this subsection ~~recommendation from Enterprise~~
 2674 ~~Florida, Inc.,~~ to designate a high-impact sector or to
 2675 deauthorize a designated high-impact sector.

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2676 (c) To begin the process of selecting and designating a
 2677 new high-impact sector, the department ~~Enterprise Florida, Inc.~~,
 2678 shall undertake a thorough study of the proposed sector. This
 2679 study must consider the definition of the sector, including the
 2680 types of facilities which characterize the sector that might
 2681 qualify for a high-impact performance grant and whether a
 2682 powerful incentive like the high-impact performance grant is
 2683 needed to induce major facilities in the sector to locate or
 2684 grow in this state; the benefits that major facilities in the
 2685 sector have or could have on the state's economy and the
 2686 relative significance of those benefits; the needs of the sector
 2687 and major sector facilities, including natural, public, and
 2688 human resources and benefits and costs with regard to these
 2689 resources; the sector's current and future markets; the current
 2690 fiscal and potential fiscal impacts of the sector, to both the
 2691 state and its communities; any geographic opportunities or
 2692 limitations with regard to the sector, including areas of the
 2693 state most likely to benefit from the sector and areas unlikely
 2694 to benefit from the sector; the state's advantages or
 2695 disadvantages with regard to the sector; and the long-term
 2696 expectations for the industry on a global level and in the
 2697 state. If the department ~~Enterprise Florida, Inc.~~ finds
 2698 favorable conditions for the designation of the sector as a
 2699 high-impact sector, it shall include in the study
 2700 recommendations for a complete and comprehensive sector

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2701 strategy, including appropriate marketing and workforce
 2702 strategies for the entire sector and any recommendations ~~that~~
 2703 ~~Enterprise Florida, Inc., may have~~ for statutory or policy
 2704 changes needed to improve the state's business climate and to
 2705 attract and grow Florida businesses, particularly small
 2706 businesses, in the proposed sector. The study shall reflect the
 2707 finding of the sector-business network specified in paragraph
 2708 (d).

2709 (d) In conjunction with the study required in paragraph
 2710 (c), the department ~~Enterprise Florida, Inc.,~~ shall develop and
 2711 consult with a network of sector businesses. While this network
 2712 may include non-Florida businesses, it must include any
 2713 businesses currently within the state. If the number of Florida
 2714 businesses in the sector is large, a representative cross-
 2715 section of Florida sector businesses may form the core of this
 2716 network.

2717 (e) The study and its findings and recommendations and the
 2718 recommendations gathered from the sector-business network must
 2719 be discussed and considered during at least one meeting per
 2720 calendar year of leaders in business, government, education,
 2721 workforce development, and economic development called by the
 2722 Governor to address the business climate in the state, develop a
 2723 common vision for the economic future of the state, and identify
 2724 economic development efforts to fulfill that vision.

2725 (f) If after consideration of the completed study required

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2726 in paragraph (c) and the input derived from consultation with
 2727 the sector-business network in paragraph (d) and the meeting as
 2728 required in paragraph (e), the department ~~board of directors of~~
 2729 ~~Enterprise Florida, Inc.,~~ finds that the sector will have
 2730 exceptionally large and widespread benefits to the state and its
 2731 citizens, relative to any public costs; that the sector is
 2732 characterized by the types of facilities that require
 2733 exceptionally large investments and provide employment
 2734 opportunities to a relatively large number of workers in high-
 2735 quality, high-income jobs that might qualify for a high-impact
 2736 performance grant; and that given the competition for such
 2737 businesses it may be necessary for the state to be able to offer
 2738 a large inducement, such as a high-impact performance grant, to
 2739 attract such a business to the state or to encourage businesses
 2740 to continue to grow in the state, ~~the board of directors of~~
 2741 ~~Enterprise Florida, Inc., may recommend that~~ the department may
 2742 designate ~~consider the designation of~~ the sector as a high-
 2743 impact business sector or may.

2744 ~~(g) Upon receiving a recommendation from the board of~~
 2745 ~~directors of Enterprise Florida, Inc., together with the study~~
 2746 ~~required in paragraph (c) and a summary of the findings and~~
 2747 ~~recommendations of the sector-business network required in~~
 2748 ~~paragraph (d), including a list of all meetings of the sector~~
 2749 ~~network and participants in those meetings and the findings and~~
 2750 ~~recommendations from the meeting as required in paragraph (e),~~

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2751 ~~the department shall after a thorough evaluation of the study~~
 2752 ~~and accompanying materials report its findings and either concur~~
 2753 ~~in the recommendation of Enterprise Florida, Inc., and designate~~
 2754 ~~the sector as a high-impact business sector or notify Enterprise~~
 2755 ~~Florida, Inc., that it does not concur and deny the board's~~
 2756 ~~request for designation or return the recommendation and study~~
 2757 ~~to Enterprise Florida, Inc., for further evaluation.~~ In any
 2758 case, the department's decision must be in writing and justify
 2759 the reasons for the decision.

2760 (g)~~(h)~~ If the department designates the sector as a high-
 2761 impact sector, it shall, within 30 days, notify the Governor,
 2762 the President of the Senate, and the Speaker of the House of
 2763 Representatives of its decision and provide a complete report on
 2764 its decision, including copies of the material compiled in the
 2765 evaluation, studies, and meetings required under this subsection
 2766 ~~provided by Enterprise Florida, Inc.,~~ and the department's
 2767 evaluation and comment on any statutory or policy changes
 2768 ~~recommended by Enterprise Florida, Inc.~~

2769 (h)~~(i)~~ For the purposes of this subsection, a high-impact
 2770 sector consists of the silicon technology sector ~~that Enterprise~~
 2771 ~~Florida, Inc., has~~ found to be focused around the type of high-
 2772 impact businesses for which the incentive created in this
 2773 subsection is required and will create the kinds of sector and
 2774 economy wide benefits that justify the use of state resources to
 2775 encourage these investments and require substantial inducements

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2776 | to compete with the incentive packages offered by other states
 2777 | and nations.

2778 | Section 50. Section 288.1081, Florida Statutes, is
 2779 | repealed.

2780 | Section 51. Section 288.1082, Florida Statutes, is
 2781 | repealed.

2782 | Section 52. Section 288.1088, Florida Statutes, is
 2783 | repealed.

2784 | Section 53. Section 288.1089, Florida Statutes, is
 2785 | repealed.

2786 | Section 54. Section 288.111, Florida Statutes, is amended
 2787 | to read:

2788 | 288.111 Information concerning local manufacturing
 2789 | development programs.—The department shall develop materials
 2790 | that identify each local government that establishes a local
 2791 | manufacturing development program under s. 163.3252. The
 2792 | materials, which the department may elect to develop and
 2793 | maintain in electronic format or in any other format deemed by
 2794 | the department to provide public access, must be updated at
 2795 | least annually. ~~Enterprise Florida, Inc., shall, and other State~~
 2796 | ~~agencies may,~~ distribute the materials to prospective, new,
 2797 | expanding, and relocating businesses seeking to conduct business
 2798 | in this state.

2799 | Section 55. Subsection (7) of section 288.11621, Florida
 2800 | Statutes, is amended to read:

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2801 288.11621 Spring training baseball franchises.—
 2802 (7) STRATEGIC PLANNING.—The department shall request
 2803 assistance from ~~Enterprise Florida, Inc.,~~ and the Florida
 2804 Grapefruit League Association to develop a comprehensive
 2805 strategic plan to:
 2806 (a) Finance spring training facilities.
 2807 (b) Monitor and oversee the use of state funds awarded to
 2808 applicants.
 2809 (c) Identify the financial impact that spring training has
 2810 on the state and ways in which to maintain or improve that
 2811 impact.
 2812 (d) Identify opportunities to develop public-private
 2813 partnerships to engage in marketing activities and advertise
 2814 spring training baseball.
 2815 (e) Identify efforts made by other states to maintain or
 2816 develop partnerships with baseball spring training teams.
 2817 (f) Develop recommendations for the Legislature to sustain
 2818 or improve this state's spring training tradition.
 2819 Section 56. Paragraph (c) of subsection (2) and paragraphs
 2820 (a), (c), and (d) of subsection (3) of section 288.11631,
 2821 Florida Statutes, are amended to read:
 2822 288.11631 Retention of Major League Baseball spring
 2823 training baseball franchises.—
 2824 (2) CERTIFICATION PROCESS.—
 2825 (c) Each applicant certified on or after July 1, 2013,

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2826 shall enter into an agreement with the department which:

2827 1. Specifies the amount of the state incentive funding to

2828 be distributed. The amount of state incentive funding per

2829 certified applicant may not exceed \$20 million. However, if a

2830 certified applicant's facility is used by more than one spring

2831 training franchise, the maximum amount may not exceed \$50

2832 million, and the Department of Revenue shall make distributions

2833 to the applicant pursuant to s. 212.20(6)(d)6.c. ~~s.~~

2834 ~~212.20(6)(d)6.e.~~

2835 2. States the criteria that the certified applicant must

2836 meet in order to remain certified. These criteria must include a

2837 provision stating that the spring training franchise must

2838 reimburse the state for any funds received if the franchise does

2839 not comply with the terms of the contract. If bonds were issued

2840 to construct or renovate a facility for a spring training

2841 franchise, the required reimbursement must be equal to the total

2842 amount of state distributions expected to be paid from the date

2843 the franchise violates the agreement with the applicant through

2844 the final maturity of the bonds.

2845 3. States that the certified applicant is subject to

2846 decertification if the certified applicant fails to comply with

2847 this section or the agreement.

2848 4. States that the department may recover state incentive

2849 funds if the certified applicant is decertified.

2850 5. Specifies the information that the certified applicant

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2851 must report to the department.

2852 6. Includes any provision deemed prudent by the
2853 department.

2854 (3) USE OF FUNDS.—

2855 (a) A certified applicant may use funds provided under s.
2856 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ only to:

2857 1. Serve the public purpose of constructing or renovating
2858 a facility for a spring training franchise.

2859 2. Pay or pledge for the payment of debt service on, or to
2860 fund debt service reserve funds, arbitrage rebate obligations,
2861 or other amounts payable with respect thereto, bonds issued for
2862 the construction or renovation of such facility, or for the
2863 reimbursement of such costs or the refinancing of bonds issued
2864 for such purposes.

2865 (c) The Department of Revenue may not distribute funds
2866 under s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ until July 1,
2867 2016. Further, the Department of Revenue may not distribute
2868 funds to an applicant certified on or after July 1, 2013, until
2869 it receives notice from the department that:

2870 1. The certified applicant has encumbered funds under
2871 either subparagraph (a)1. or subparagraph (a)2.; and

2872 2. If applicable, any existing agreement with a spring
2873 training franchise for the use of a facility has expired.

2874 (d)1. All certified applicants shall place unexpended
2875 state funds received pursuant to s. 212.20(6)(d)6.c. ~~s.~~

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2876 | ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
 2877 | only as authorized in this section.

2878 | 2. A certified applicant may request that the department
 2879 | notify the Department of Revenue to suspend further
 2880 | distributions of state funds made available under s.
 2881 | 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
 2882 | expiration of an existing agreement with a spring training
 2883 | franchise to provide the certified applicant with an opportunity
 2884 | to enter into a new agreement with a spring training franchise,
 2885 | at which time the distributions shall resume.

2886 | 3. The expenditure of state funds distributed to an
 2887 | applicant certified after July 1, 2013, must begin within 48
 2888 | months after the initial receipt of the state funds. In
 2889 | addition, the construction or renovation of a spring training
 2890 | facility must be completed within 24 months after the project's
 2891 | commencement.

2892 | Section 57. Section 288.1168, Florida Statutes, is
 2893 | repealed.

2894 | Section 58. Section 288.1169, Florida Statutes, is
 2895 | repealed.

2896 | Section 59. Section 288.1171, Florida Statutes, is
 2897 | repealed.

2898 | Section 60. Section 288.122, Florida Statutes, is amended
 2899 | to read:

2900 | 288.122 Tourism Promotional Trust Fund.—There is created

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2901 within the department the Tourism Promotional Trust Fund. Moneys
 2902 deposited in the Tourism Promotional Trust Fund shall only be
 2903 used to support the authorized activities and operations and the
 2904 tourism promotion and marketing activities, services, functions,
 2905 and programs administered by the department ~~Enterprise Florida,~~
 2906 ~~Inc.~~, through a contract with the direct-support organization
 2907 created under s. 288.1226.

2908 Section 61. Present subsection (13) of section 288.1226,
 2909 Florida Statutes, as amended by chapter 2023-20, Laws of
 2910 Florida, is redesignated as subsection (15), a new subsection
 2911 (13) and subsection (14) are added to that section, and
 2912 subsections (2), (3), and (4), paragraphs (a), (c), (g), (h),
 2913 (i), and (k) of subsection (5), and subsections (7) and (8) of
 2914 that section are amended, to read:

2915 288.1226 Florida Tourism Industry Marketing Corporation;
 2916 use of property; board of directors; duties; audit.—

2917 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
 2918 Corporation is a direct-support organization of the department
 2919 ~~Enterprise Florida, Inc.~~

2920 (a) The Florida Tourism Industry Marketing Corporation is
 2921 a corporation not for profit, as defined in s. 501(c)(6) of the
 2922 Internal Revenue Code of 1986, as amended, that is incorporated
 2923 under the provisions of chapter 617 and approved by the
 2924 Department of State.

2925 (b) The corporation is organized and operated exclusively

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2926 to request, receive, hold, invest, and administer property and
 2927 to manage and make expenditures for the operation of the
 2928 activities, services, functions, and programs of this state
 2929 which relate to the statewide, national, and international
 2930 promotion and marketing of tourism.

2931 (c)1. The corporation is not an agency for the purposes of
 2932 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,
 2933 relating to leasing of buildings; ss. 283.33 and 283.35,
 2934 relating to bids for printing; s. 215.31; and parts I, II, and
 2935 IV-VIII of chapter 112. However, the corporation shall comply
 2936 with the per diem and travel expense provisions of s. 112.061.

2937 2. It is not a violation of s. 112.3143(2) or (4) for the
 2938 officers or members of the board of directors of the corporation
 2939 to:

2940 a. Vote on the 4-year marketing plan required under
 2941 subsection (13) ~~s. 288.923~~ or vote on any individual component
 2942 of or amendment to the plan.

2943 b. Participate in the establishment or calculation of
 2944 payments related to the private match requirements of subsection
 2945 (6). The officer or member must file an annual disclosure
 2946 describing the nature of his or her interests or the interests
 2947 of his or her principals, including corporate parents and
 2948 subsidiaries of his or her principal, in the private match
 2949 requirements. This annual disclosure requirement satisfies the
 2950 disclosure requirement of s. 112.3143(4). This disclosure must

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2951 | be placed on the corporation's website or included in the
 2952 | minutes of each meeting of the corporation's board of directors
 2953 | at which the private match requirements are discussed or voted
 2954 | upon.

2955 | (d) The corporation is subject to the provisions of
 2956 | chapter 119, relating to public meetings, and those provisions
 2957 | of chapter 286 relating to public meetings and records.

2958 | (3) USE OF PROPERTY.—The department ~~Enterprise Florida,~~
 2959 | ~~Inc.:~~

2960 | (a) Is authorized to permit the use of property and
 2961 | facilities of the department ~~Enterprise Florida, Inc.,~~ by the
 2962 | corporation, subject to the provisions of this section.

2963 | (b) Shall prescribe conditions with which the corporation
 2964 | must comply in order to use property and facilities of the
 2965 | department ~~Enterprise Florida, Inc.~~ Such conditions shall
 2966 | provide for budget and audit review and for oversight by the
 2967 | department ~~Enterprise Florida, Inc.~~

2968 | (c) May not permit the use of property and facilities of
 2969 | the department ~~Enterprise Florida, Inc.,~~ if the corporation does
 2970 | not provide equal employment opportunities to all persons,
 2971 | regardless of race, color, national origin, sex, age, or
 2972 | religion.

2973 | (4) BOARD OF DIRECTORS.—The board of directors of the
 2974 | corporation shall be composed of 32 tourism-industry-related
 2975 | members, appointed by ~~Enterprise Florida, Inc.,~~ in conjunction

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2976 ~~with~~ the department. Board members shall serve without
 2977 compensation, but are entitled to receive reimbursement for per
 2978 diem and travel expenses pursuant to s. 112.061. Such expenses
 2979 must be paid out of funds of the corporation. The board shall be
 2980 composed of all of the following members:

2981 (a) Sixteen members, appointed in such a manner as to
 2982 equitably represent all geographic areas of this state, with no
 2983 fewer than two members from any of the following regions:

2984 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
 2985 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
 2986 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2987 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
 2988 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
 2989 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
 2990 Taylor, and Union Counties.

2991 3. Region 3, composed of Brevard, Indian River, Lake,
 2992 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
 2993 Volusia Counties.

2994 4. Region 4, composed of Citrus, Hernando, Hillsborough,
 2995 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

2996 5. Region 5, composed of Charlotte, Collier, DeSoto,
 2997 Glades, Hardee, Hendry, Highlands, and Lee Counties.

2998 6. Region 6, composed of Broward, Martin, Miami-Dade,
 2999 Monroe, and Palm Beach Counties.

3000 (b) The following industry and organization

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3001 representatives: 1 representative from the statewide rental car
 3002 industry; 7 representatives from tourist-related statewide
 3003 associations, including those that represent hotels,
 3004 campgrounds, county destination marketing organizations,
 3005 museums, restaurants, retail, and attractions; 3 representatives
 3006 from county destination marketing organizations; 1
 3007 representative from the cruise industry; 1 representative from
 3008 an automobile and travel services membership organization that
 3009 has at least 2.8 million members in Florida; 1 representative
 3010 from the airline industry; 1 representative from the nature-
 3011 based tourism industry; and 1 representative from the space
 3012 tourism industry, who will each serve for a term of 2 years.

3013 (5) POWERS AND DUTIES.—The corporation, in the performance
 3014 of its duties:

3015 (a) May make and enter into contracts and assume such
 3016 other functions as are necessary to carry out the provisions of
 3017 the 4-year marketing plan required by subsection (13) ~~s.~~
 3018 ~~288.923~~, and the corporation's contract with the department
 3019 ~~Enterprise Florida, Inc.~~, which are not inconsistent with this
 3020 or any other provision of law. A proposed contract with a total
 3021 cost of \$750,000 or more is subject to the notice and review
 3022 procedures of s. 216.177. If the chair and vice chair of the
 3023 Legislative Budget Commission, or the President of the Senate
 3024 and the Speaker of the House of Representatives, timely advise
 3025 the corporation in writing that such proposed contract is

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3026 | contrary to legislative policy and intent, the corporation may
 3027 | not execute such proposed contract. The corporation may not
 3028 | enter into multiple related contracts to avoid the requirements
 3029 | of this paragraph.

3030 | (c) May establish a cooperative marketing program with
 3031 | other public and private entities which allows the use of the
 3032 | VISIT Florida logo in tourism promotion campaigns which meet the
 3033 | standards of the department ~~Enterprise Florida, Inc.~~, for which
 3034 | the corporation may charge a reasonable fee.

3035 | (g) Shall hire and establish salaries and personnel and
 3036 | employee benefit programs for such permanent and temporary
 3037 | employees as are necessary to carry out the provisions of the 4-
 3038 | year marketing plan and the corporation's contract with the
 3039 | department ~~Enterprise Florida, Inc.~~, which are not inconsistent
 3040 | with this or any other provision of law. However, an employee
 3041 | may not receive public compensation for employment that exceeds
 3042 | the salary and benefits authorized to be paid to the Governor.
 3043 | Any public payments of performance bonuses or severance pay to
 3044 | employees of the corporation are prohibited unless specifically
 3045 | authorized by law.

3046 | (h) May adopt, change, amend, and repeal bylaws, not
 3047 | inconsistent with law or its articles of incorporation, for the
 3048 | administration of the provisions of the 4-year marketing plan
 3049 | and the corporation's contract with the department ~~Enterprise~~
 3050 | ~~Florida, Inc.~~

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3051 (i) May conduct its affairs, carry on its operations, and
 3052 have offices and exercise the powers granted by this act in any
 3053 state, territory, district, or possession of the United States
 3054 or any foreign country. Where feasible, appropriate, and
 3055 recommended by the 4-year marketing plan developed by the
 3056 corporation in consultation with the department ~~Division of~~
 3057 ~~Tourism Promotion of Enterprise Florida, Inc.~~, the corporation
 3058 may collocate the programs of foreign tourism offices in
 3059 cooperation with any foreign office operated by any agency of
 3060 this state.

3061 (k) May request or accept any grant, payment, or gift, of
 3062 funds or property made by this state or by the United States or
 3063 any department or agency thereof or by any individual, firm,
 3064 corporation, municipality, county, or organization for any or
 3065 all of the purposes of the 4-year marketing plan and the
 3066 corporation's contract with the department ~~Enterprise Florida,~~
 3067 ~~Inc.~~, that are not inconsistent with this or any other provision
 3068 of law. Such funds shall be deposited in a bank account
 3069 established by the corporation's board of directors. The
 3070 corporation may expend such funds in accordance with the terms
 3071 and conditions of any such grant, payment, or gift, in the
 3072 pursuit of its administration or in support of the programs it
 3073 administers. The corporation shall separately account for the
 3074 public funds and the private funds deposited into the
 3075 corporation's bank account.

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3076 (7) ANNUAL AUDIT.—The corporation shall provide for an
 3077 annual financial audit in accordance with s. 215.981. The annual
 3078 audit report shall be submitted to the Auditor General; the
 3079 Office of Program Policy Analysis and Government Accountability;
 3080 ~~Enterprise Florida, Inc.;~~ and the department for review. The
 3081 Office of Program Policy Analysis and Government Accountability;
 3082 ~~Enterprise Florida, Inc.;~~ the department; and the Auditor
 3083 General have the authority to require and receive from the
 3084 corporation or from its independent auditor any detail or
 3085 supplemental data relative to the operation of the corporation.
 3086 The department shall annually certify whether the corporation is
 3087 operating in a manner and achieving the objectives that are
 3088 consistent with the policies and goals of the department
 3089 ~~Enterprise Florida, Inc.,~~ and its long-range marketing plan. The
 3090 identity of a donor or prospective donor to the corporation who
 3091 desires to remain anonymous and all information identifying such
 3092 donor or prospective donor are confidential and exempt from the
 3093 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3094 Constitution. Such anonymity shall be maintained in the
 3095 auditor's report.

3096 (8) REPORT.—The corporation shall provide to the
 3097 department a quarterly report that ~~to Enterprise Florida, Inc.,~~
 3098 ~~which shall:~~

3099 (a) Measures ~~Measure~~ the current vitality of the visitor
 3100 industry of this state as compared to the vitality of such

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3101 industry for the year to date and for comparable quarters of
 3102 past years. Indicators of vitality shall be determined by the
 3103 department ~~Enterprise Florida, Inc.~~, and shall include, but not
 3104 be limited to, estimated visitor count and party size, length of
 3105 stay, average expenditure per party, and visitor origin and
 3106 destination.

3107 (b) Provides ~~Provide~~ detailed, unaudited financial
 3108 statements of sources and uses of public and private funds.

3109 (c) Measures ~~Measure~~ progress toward ~~towards~~ annual goals
 3110 and objectives set forth in the 4-year marketing plan.

3111 (d) Reviews ~~Review~~ all pertinent research findings.

3112 (e) Provides ~~Provide~~ other measures of accountability as
 3113 requested by the department ~~Enterprise Florida, Inc.~~

3114
 3115 The corporation must take all steps necessary to provide all
 3116 data that is used to develop the report, including source data,
 3117 to the Office of Economic and Demographic Research.

3118 (13) FOUR-YEAR MARKETING PLAN.-

3119 (a) The corporation shall, in collaboration with the
 3120 department, develop a 4-year marketing plan. At a minimum, the
 3121 marketing plan must discuss the following:

- 3122 1. Continuation of overall tourism growth in this state.
- 3123 2. Expansion to new or under-represented tourist markets.
- 3124 3. Maintenance of traditional and loyal tourist markets.
- 3125 4. Coordination of efforts with county destination

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3126 marketing organizations, other local government marketing
 3127 groups, privately owned attractions and destinations, and other
 3128 private sector partners to create a seamless, four-season
 3129 advertising campaign for the state and its regions.

3130 5. Development of innovative techniques or promotions to
 3131 build repeat visitation by targeted segments of the tourist
 3132 population.

3133 6. Consideration of innovative sources of state funding
 3134 for tourism marketing.

3135 7. Promotion of nature-based tourism, including, but not
 3136 limited to, promotion of the Florida Greenways and Trails System
 3137 as described under s. 260.014 and the Florida Shared-Use
 3138 Nonmotorized Trail Network as described under s. 339.81.

3139 8. Coordination of efforts with the Office of Greenways
 3140 and Trails of the Department of Environmental Protection and the
 3141 department to promote and assist local communities, including,
 3142 but not limited to, communities designated as trail towns by the
 3143 Office of Greenways and Trails, to maximize use of nearby trails
 3144 as economic assets, including specific promotion of trail-based
 3145 tourism.

3146 9. Promotion of heritage tourism.

3147 10. Development of a component to address emergency
 3148 response to natural and manmade disasters from a marketing
 3149 standpoint.

3150 (b) The plan must be annual in construction and ongoing in

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3151 nature. Any annual revisions of the plan must carry forward the
 3152 concepts of the remaining 3-year portion of the plan and
 3153 consider a continuum portion to preserve the 4-year timeframe of
 3154 the plan. The plan also must include recommendations for
 3155 specific performance standards and measurable outcomes for the
 3156 corporation. The department shall base the actual performance
 3157 metrics on these recommendations.

3158 (c) The plan shall be annually reviewed and approved by
 3159 the board of directors of the corporation.

3160 (14) ANNUAL REPORT.—The corporation shall draft and submit
 3161 to the department, the Governor, the President of the Senate,
 3162 and the Speaker of the House of Representatives by December 1 of
 3163 each year an annual report. The annual report must set forth for
 3164 the corporation:

3165 (a) Operations and accomplishments during the fiscal year,
 3166 including the economic benefit of the state's investment and
 3167 effectiveness of the marketing plan.

3168 (b) The 4-year marketing plan, including recommendations
 3169 on methods for implementing and funding the plan.

3170 (c) The assets and liabilities of the corporation at the
 3171 end of its most recent fiscal year.

3172 (d) A copy of the annual financial and compliance audit
 3173 conducted under subsection (7).

3174 Section 62. Section 288.12265, Florida Statutes, is
 3175 amended to read:

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3176 288.12265 Welcome centers.—

3177 (1) Responsibility for the welcome centers is assigned to
 3178 ~~Enterprise Florida, Inc., which shall contract with the Florida~~
 3179 ~~Tourism Industry Marketing Corporation to employ all welcome~~
 3180 ~~center staff.~~

3181 (2) The Florida Tourism Industry Marketing Corporation
 3182 ~~Enterprise Florida, Inc.,~~ shall administer and operate the
 3183 welcome centers and, pursuant to a contract with the Department
 3184 of Transportation, ~~Enterprise Florida, Inc.,~~ shall be
 3185 responsible for routine repair, replacement, or improvement and
 3186 the day-to-day management of interior areas occupied by the
 3187 welcome centers. All other repairs, replacements, or
 3188 improvements to the welcome centers shall be the responsibility
 3189 of the Department of Transportation. ~~Enterprise Florida, Inc.,~~
 3190 ~~may contract with the Florida Tourism Industry Marketing~~
 3191 ~~Corporation for the management and operation of the welcome~~
 3192 ~~centers.~~

3193 Section 63. Notwithstanding the repeal of section
 3194 288.1229, Florida Statutes, in section 485 of chapter 2011-142,
 3195 Laws of Florida, that section is revived, readopted, and amended
 3196 to read:

3197 288.1229 Promotion and development of sports-related
 3198 industries and amateur athletics; direct-support organization
 3199 established; powers and duties.—

3200 (1) The department shall establish a direct-support

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3201 organization known as the Florida Sports Foundation. The
 3202 foundation shall ~~The Office of Tourism, Trade, and Economic~~
 3203 ~~Development may authorize a direct support organization to~~
 3204 assist the department ~~office~~ in:

3205 (a) The promotion and development of the sports industry
 3206 and related industries for the purpose of improving the economic
 3207 presence of these industries in Florida.

3208 (b) The promotion of amateur athletic participation for
 3209 the citizens of Florida and the promotion of Florida as a host
 3210 for national and international amateur athletic competitions for
 3211 the purpose of encouraging and increasing the direct and
 3212 ancillary economic benefits of amateur athletic events and
 3213 competitions.

3214 (c) The retention of professional sports franchises,
 3215 including the spring training operations of Major League
 3216 Baseball.

3217 (2) The Florida Sports Foundation ~~To be authorized as a~~
 3218 ~~direct support organization, an organization~~ must:

3219 (a) Be incorporated as a corporation not for profit
 3220 pursuant to chapter 617.

3221 (b) Be governed by a board of directors, which must
 3222 consist of up to 15 members appointed by the Governor ~~and up to~~
 3223 ~~15 members appointed by the existing board of directors.~~ In
 3224 making appointments, the Governor ~~board~~ must consider a
 3225 potential member's background in community service and sports

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3226 activism in, and financial support of, the sports industry,
 3227 professional sports, or organized amateur athletics. Members
 3228 must be residents of the state and highly knowledgeable about or
 3229 active in professional or organized amateur sports.

3230 1. The board must contain representatives of all
 3231 geographical regions of the state and must represent ethnic and
 3232 gender diversity.

3233 2. The terms of office of the members shall be 4 years. No
 3234 member may serve more than two consecutive terms. The Governor
 3235 may remove any member for cause and shall fill all vacancies
 3236 that occur.

3237 (c) Have as its purpose, as stated in its articles of
 3238 incorporation, to receive, hold, invest, and administer
 3239 property; to raise funds and receive gifts; and to promote and
 3240 develop the sports industry and related industries for the
 3241 purpose of increasing the economic presence of these industries
 3242 in Florida.

3243 (d) Have a prior determination by the department ~~Office of~~
 3244 ~~Tourism, Trade, and Economic Development~~ that the foundation
 3245 ~~organization~~ will benefit the department ~~office~~ and act in the
 3246 best interests of the state as a direct-support organization to
 3247 the department ~~office~~.

3248 (3) The Florida Sports Foundation shall operate under
 3249 contract with the department. The contract must provide ~~Office~~
 3250 ~~of Tourism, Trade, and Economic Development shall contract with~~

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3251 ~~the organization and shall include in the contract that:~~

3252 (a) The department office may review the foundation's

3253 ~~organization's~~ articles of incorporation.

3254 (b) The foundation ~~organization~~ shall submit an annual

3255 budget proposal to the department office, on a form provided by

3256 the department office, in accordance with department office

3257 procedures for filing budget proposals based upon the

3258 recommendation of the department office.

3259 (c) Any funds that the foundation ~~organization~~ holds in

3260 trust will revert to the state upon the expiration or

3261 cancellation of the contract.

3262 (d) The foundation ~~organization~~ is subject to an annual

3263 financial and performance review by the department office to

3264 determine whether the foundation ~~organization~~ is complying with

3265 the terms of the contract and whether it is acting in a manner

3266 consistent with the goals of the department office and in the

3267 best interests of the state.

3268 (e) The fiscal year of the foundation begins ~~organization~~

3269 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next

3270 ensuing year.

3271 (4) The department ~~Office of Tourism, Trade, and Economic~~

3272 ~~Development~~ may allow the foundation ~~organization~~ to use the

3273 property, facilities, personnel, and services of the department

3274 ~~office~~ if the foundation ~~organization~~ provides equal employment

3275 opportunities to all persons regardless of race, color,

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3276 religion, sex, age, or national origin, subject to the approval
 3277 of the executive director of the department ~~office~~.

3278 (5) The foundation ~~organization~~ shall provide for an
 3279 annual financial audit in accordance with s. 215.981.

3280 (6) The foundation ~~organization~~ is not granted any taxing
 3281 power.

3282 (7) ~~In exercising the power provided in this section, the~~
 3283 ~~Office of Tourism, Trade, and Economic Development may authorize~~
 3284 ~~and contract with the direct-support organization existing on~~
 3285 ~~June 30, 1996, and authorized by the former Florida Department~~
 3286 ~~of Commerce to promote sports-related industries. An appointed~~
 3287 ~~member of the board of directors of such direct-support~~
 3288 ~~organization as of June 30, 1996, may serve the remainder of his~~
 3289 ~~or her unexpired term.~~

3290 ~~(8)~~ To promote amateur sports and physical fitness, the
 3291 foundation ~~direct-support organization~~ shall:

3292 (a) Develop, foster, and coordinate services and programs
 3293 for amateur sports for the people of Florida.

3294 (b) Sponsor amateur sports workshops, clinics,
 3295 conferences, and other similar activities.

3296 (c) Give recognition to outstanding developments and
 3297 achievements in, and contributions to, amateur sports.

3298 (d) Encourage, support, and assist local governments and
 3299 communities in the development of or hosting of local amateur
 3300 athletic events and competitions.

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- 3301 (e) Promote Florida as a host for national and
 3302 international amateur athletic competitions.
- 3303 (f) Develop ~~a~~ statewide programs ~~program~~ of amateur
 3304 athletic competition to be known as the "Florida Senior Games"
 3305 and the "Sunshine State Games."
- 3306 (g) Continue the successful amateur sports programs
 3307 previously conducted by the Florida Governor's Council on
 3308 Physical Fitness and Amateur Sports created under former s.
 3309 14.22.
- 3310 (h) Encourage and continue the use of volunteers in its
 3311 amateur sports programs to the maximum extent possible.
- 3312 (i) Develop, foster, and coordinate services and programs
 3313 designed to encourage the participation of Florida's youth in
 3314 Olympic sports activities and competitions.
- 3315 (j) Foster and coordinate services and programs designed
 3316 to contribute to the physical fitness of the citizens of
 3317 Florida.
- 3318 ~~(8)-(9)~~ (a) The Sunshine State Games and Florida Senior
 3319 Games shall both be patterned after the Summer Olympics with
 3320 variations as necessitated by availability of facilities,
 3321 equipment, and expertise. The games shall be designed to
 3322 encourage the participation of athletes representing a broad
 3323 range of age groups, skill levels, and Florida communities.
 3324 ~~Participants shall be residents of this state. Regional~~
 3325 ~~competitions shall be held throughout the state, and the top~~

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3326 ~~qualifiers in each sport shall proceed to the final competitions~~
 3327 ~~to be held at a site in the state with the necessary facilities~~
 3328 ~~and equipment for conducting the competitions.~~

3329 (b) The department ~~Executive Office of the Governor~~ is
 3330 authorized to permit the use of property, facilities, and
 3331 personal services of or at any State University System facility
 3332 or institution by the direct-support organization operating the
 3333 Sunshine State Games and Florida Senior Games. For the purposes
 3334 of this paragraph, personal services includes full-time or part-
 3335 time personnel as well as payroll processing.

3336 Section 64. Section 288.125, Florida Statutes, is amended
 3337 to read:

3338 288.125 Definition of "entertainment industry."—For the
 3339 purposes of s. 288.1258 ~~ss. 288.1251-288.1258~~, the term
 3340 "entertainment industry" means those persons or entities engaged
 3341 in the operation of motion picture or television studios or
 3342 recording studios; those persons or entities engaged in the
 3343 preproduction, production, or postproduction of motion pictures,
 3344 made-for-television movies, television programming, digital
 3345 media projects, commercial advertising, music videos, or sound
 3346 recordings; and those persons or entities providing products or
 3347 services directly related to the preproduction, production, or
 3348 postproduction of motion pictures, made-for-television movies,
 3349 television programming, digital media projects, commercial
 3350 advertising, music videos, or sound recordings, including, but

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3351 not limited to, the broadcast industry.

3352 Section 65. Section 288.1251, Florida Statutes, is
 3353 repealed.

3354 Section 66. Section 288.1252, Florida Statutes, is
 3355 repealed.

3356 Section 67. Section 288.1253, Florida Statutes, is
 3357 repealed.

3358 Section 68. Section 288.1254, Florida Statutes, is
 3359 repealed.

3360 Section 69. Section 288.1258, Florida Statutes, is amended
 3361 to read:

3362 288.1258 Entertainment industry qualified production
 3363 companies; application procedure; categories; duties of the
 3364 Department of Revenue; records and reports.—

3365 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

3366 (a) Any production company engaged in this state in the
 3367 production of motion pictures, made-for-TV motion pictures,
 3368 television series, commercial advertising, music videos, or
 3369 sound recordings may submit an application to the Department of
 3370 Revenue to be approved by the department ~~Office of Film and~~
 3371 ~~Entertainment~~ as a qualified production company for the purpose
 3372 of receiving a sales and use tax certificate of exemption from
 3373 the Department of Revenue.

3374 (b) For the purposes of this section, "qualified
 3375 production company" means any production company that has

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3376 submitted a properly completed application to the Department of
 3377 Revenue and that is subsequently qualified by the department
 3378 ~~Office of Film and Entertainment~~.

3379 (2) APPLICATION PROCEDURE.—

3380 (a) The Department of Revenue will review all submitted
 3381 applications for the required information. Within 10 working
 3382 days after the receipt of a properly completed application, the
 3383 Department of Revenue will forward the completed application to
 3384 the department ~~Office of Film and Entertainment~~ for approval.

3385 (b)1. The department ~~Office of Film and Entertainment~~
 3386 shall establish a process by which an entertainment industry
 3387 production company may be approved by the department ~~office~~ as a
 3388 qualified production company and may receive a certificate of
 3389 exemption from the Department of Revenue for the sales and use
 3390 tax exemptions under ss. 212.031, 212.06, and 212.08.

3391 2. Upon determination by the department ~~Office of Film and~~
 3392 ~~Entertainment~~ that a production company meets the established
 3393 approval criteria and qualifies for exemption, the department
 3394 ~~Office of Film and Entertainment~~ shall return the approved
 3395 application or application renewal or extension to the
 3396 Department of Revenue, which shall issue a certificate of
 3397 exemption.

3398 3. The department ~~Office of Film and Entertainment~~ shall
 3399 deny an application or application for renewal or extension from
 3400 a production company if it determines that the production

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3401 company does not meet the established approval criteria.

3402 (c) The department ~~Office of Film and Entertainment~~ shall
 3403 develop, with the cooperation of the Department of Revenue and
 3404 local government entertainment industry promotion agencies, a
 3405 standardized application form for use in approving qualified
 3406 production companies.

3407 1. The application form shall include, but not be limited
 3408 to, production-related information on employment, proposed
 3409 budgets, planned purchases of items exempted from sales and use
 3410 taxes under ss. 212.031, 212.06, and 212.08, a signed
 3411 affirmation from the applicant that any items purchased for
 3412 which the applicant is seeking a tax exemption are intended for
 3413 use exclusively as an integral part of entertainment industry
 3414 preproduction, production, or postproduction activities engaged
 3415 in primarily in this state, and a signed affirmation from the
 3416 department ~~Office of Film and Entertainment~~ that the information
 3417 on the application form has been verified and is correct. In
 3418 lieu of information on projected employment, proposed budgets,
 3419 or planned purchases of exempted items, a production company
 3420 seeking a 1-year certificate of exemption may submit summary
 3421 historical data on employment, production budgets, and purchases
 3422 of exempted items related to production activities in this
 3423 state. Any information gathered from production companies for
 3424 the purposes of this section shall be considered confidential
 3425 taxpayer information and shall be disclosed only as provided in

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3426 s. 213.053.

3427 2. The application form may be distributed to applicants
 3428 by the department ~~Office of Film and Entertainment~~ or local film
 3429 commissions.

3430 (d) All applications, renewals, and extensions for
 3431 designation as a qualified production company shall be processed
 3432 by the department ~~Office of Film and Entertainment~~.

3433 (e) In the event that the Department of Revenue determines
 3434 that a production company no longer qualifies for a certificate
 3435 of exemption, or has used a certificate of exemption for
 3436 purposes other than those authorized by this section and chapter
 3437 212, the Department of Revenue shall revoke the certificate of
 3438 exemption of that production company, and any sales or use taxes
 3439 exempted on items purchased or leased by the production company
 3440 during the time such company did not qualify for a certificate
 3441 of exemption or improperly used a certificate of exemption shall
 3442 become immediately due to the Department of Revenue, along with
 3443 interest and penalty as provided by s. 212.12. In addition to
 3444 the other penalties imposed by law, any person who knowingly and
 3445 willfully falsifies an application, or uses a certificate of
 3446 exemption for purposes other than those authorized by this
 3447 section and chapter 212, commits a felony of the third degree,
 3448 punishable as provided in ss. 775.082, 775.083, and 775.084.

3449 (3) CATEGORIES.—

3450 (a)1. A production company may be qualified for

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3451 designation as a qualified production company for a period of 1
3452 year if the company has operated a business in Florida at a
3453 permanent address for a period of 12 consecutive months. Such a
3454 qualified production company shall receive a single 1-year
3455 certificate of exemption from the Department of Revenue for the
3456 sales and use tax exemptions under ss. 212.031, 212.06, and
3457 212.08, which certificate shall expire 1 year after issuance or
3458 upon the cessation of business operations in the state, at which
3459 time the certificate shall be surrendered to the Department of
3460 Revenue.

3461 2. The department ~~Office of Film and Entertainment~~ shall
3462 develop a method by which a qualified production company may
3463 annually renew a 1-year certificate of exemption for a period of
3464 up to 5 years without requiring the production company to
3465 resubmit a new application during that 5-year period.

3466 3. Any qualified production company may submit a new
3467 application for a 1-year certificate of exemption upon the
3468 expiration of that company's certificate of exemption.

3469 (b)1. A production company may be qualified for
3470 designation as a qualified production company for a period of 90
3471 days. Such production company shall receive a single 90-day
3472 certificate of exemption from the Department of Revenue for the
3473 sales and use tax exemptions under ss. 212.031, 212.06, and
3474 212.08, which certificate shall expire 90 days after issuance,
3475 with extensions contingent upon approval of the department

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3476 ~~Office of Film and Entertainment~~. The certificate shall be
 3477 surrendered to the Department of Revenue upon its expiration.

3478 2. Any production company may submit a new application for
 3479 a 90-day certificate of exemption upon the expiration of that
 3480 company's certificate of exemption.

3481 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

3482 (a) The Department of Revenue shall review the initial
 3483 application and notify the applicant of any omissions and
 3484 request additional information if needed. An application shall
 3485 be complete upon receipt of all requested information. The
 3486 Department of Revenue shall forward all complete applications to
 3487 the department ~~Office of Film and Entertainment~~ within 10
 3488 working days.

3489 (b) The Department of Revenue shall issue a numbered
 3490 certificate of exemption to a qualified production company
 3491 within 5 working days of the receipt of an approved application,
 3492 application renewal, or application extension from the
 3493 department ~~Office of Film and Entertainment~~.

3494 (c) The Department of Revenue may promulgate such rules
 3495 and shall prescribe and publish such forms as may be necessary
 3496 to effectuate the purposes of this section or any of the sales
 3497 tax exemptions which are reasonably related to the provisions of
 3498 this section.

3499 (d) The Department of Revenue is authorized to establish
 3500 audit procedures in accordance with the provisions of ss.

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3501 212.12, 212.13, and 213.34 which relate to the sales tax
 3502 exemption provisions of this section.

3503 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 3504 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
 3505 ~~Office of Film and Entertainment~~ shall keep annual records from
 3506 the information provided on taxpayer applications for tax
 3507 exemption certificates. These records also must reflect a ratio
 3508 of the annual amount of sales and use tax exemptions under this
 3509 section, ~~plus the incentives awarded pursuant to s. 288.1254 to~~
 3510 the estimated amount of funds expended by certified productions.
 3511 In addition, the department ~~office~~ shall maintain data showing
 3512 annual growth in Florida-based entertainment industry companies
 3513 and entertainment industry employment and wages. ~~The employment~~
 3514 ~~information must include an estimate of the full-time equivalent~~
 3515 ~~positions created by each production that received tax credits~~
 3516 ~~pursuant to s. 288.1254. The department Office of Film and~~
 3517 ~~Entertainment shall annually report include this information in~~
 3518 the annual report required under s. 20.60 ~~for the entertainment~~
 3519 ~~industry financial incentive program required under s.~~
 3520 ~~288.1254(10).~~

3521 Section 70. Section 288.7015, Florida Statutes, is amended
 3522 to read:

3523 288.7015 Appointment of rules ombudsman; duties.—The
 3524 Governor shall appoint a rules ombudsman, as defined in s.
 3525 288.703, in the Executive Office of the Governor, for

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3526 | considering the impact of agency rules on the state's citizens
 3527 | and businesses. ~~In carrying out duties as provided by law, the~~
 3528 | ~~ombudsman shall consult with Enterprise Florida, Inc., at which~~
 3529 | ~~point the department may recommend to improve the regulatory~~
 3530 | ~~environment of this state.~~ The duties of the rules ombudsman are
 3531 | to:

3532 | (1) Carry out the responsibility provided in s.
 3533 | 120.54(3)(b), with respect to small businesses.

3534 | (2) Review state agency rules that adversely or
 3535 | disproportionately impact businesses, particularly those
 3536 | relating to small and minority businesses.

3537 | (3) Make recommendations on any existing or proposed rules
 3538 | to alleviate unnecessary or disproportionate adverse effects to
 3539 | businesses.

3540 | (4) Each state agency shall cooperate fully with the rules
 3541 | ombudsman in identifying such rules. Further, each agency shall
 3542 | take the necessary steps to waive, modify, or otherwise minimize
 3543 | such adverse effects of any such rules. However, nothing in this
 3544 | section authorizes any state agency to waive, modify, provide
 3545 | exceptions to, or otherwise alter any rule that is:

3546 | (a) Expressly required to implement or enforce any
 3547 | statutory provision or the express legislative intent thereof;

3548 | (b) Designed to protect persons against discrimination on
 3549 | the basis of race, color, national origin, religion, sex, age,
 3550 | handicap, or marital status; or

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3551 (c) Likely to prevent a significant risk or danger to the
 3552 public health, the public safety, or the environment of the
 3553 state.

3554 (5) The modification or waiver of any such rule pursuant
 3555 to this section must be accomplished in accordance with the
 3556 provisions of chapter 120.

3557 Section 71. Subsection (11) of section 288.706, Florida
 3558 Statutes, is amended to read:

3559 288.706 Florida Minority Business Loan Mobilization
 3560 Program.—

3561 (11) The Department of Management Services shall
 3562 collaborate with ~~Enterprise Florida, Inc.~~, and the department to
 3563 assist in the development and enhancement of black business
 3564 enterprises.

3565 Section 72. Subsection (1) of section 288.773, Florida
 3566 Statutes, is amended to read:

3567 288.773 Florida Export Finance Corporation.—The Florida
 3568 Export Finance Corporation is hereby created as a corporation
 3569 not for profit, to be incorporated under the provisions of
 3570 chapter 617 and approved by the Department of State. The
 3571 corporation is organized on a nonstock basis. The purpose of the
 3572 corporation is to expand employment and income opportunities for
 3573 residents of this state through increased exports of goods and
 3574 services, by providing businesses domiciled in this state
 3575 information and technical assistance on export opportunities,

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3576 exporting techniques, and financial assistance through
 3577 guarantees and direct loan originations for sale in support of
 3578 export transactions. The corporation shall have the power and
 3579 authority to carry out the following functions:

3580 (1) To coordinate the efforts of the corporation with
 3581 programs and goals of the United States Export-Import Bank, the
 3582 International Trade Administration of the United States
 3583 Department of Commerce, the Foreign Credit Insurance
 3584 Association, the department ~~Enterprise Florida, Inc.~~, and other
 3585 private and public programs and organizations, domestic and
 3586 foreign, designed to provide export assistance and export-
 3587 related financing.

3588 Section 73. Paragraph (a) of subsection (1) and paragraphs
 3589 (a), (c), and (g) of subsection (3) of section 288.776, Florida
 3590 Statutes, are amended to read:

3591 288.776 Board of directors; powers and duties.—

3592 (1)(a) The corporation shall have a board of directors
 3593 consisting of 15 members representing all geographic areas of
 3594 the state. Minority and gender representation must be considered
 3595 when making appointments to the board. The board membership must
 3596 include:

3597 1. A representative of the following businesses, all of
 3598 which must be registered to do business in this state: a foreign
 3599 bank, a state bank, a federal bank, an insurance company
 3600 involved in covering trade financing risks, and a small or

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3601 medium-sized exporter.

3602 2. The following persons or their designee: the Secretary
 3603 of Commerce ~~the President of Enterprise Florida, Inc.~~, the Chief
 3604 Financial Officer, the Secretary of State, and a senior official
 3605 of the United States Department of Commerce.

3606 (3) The board shall:

3607 (a) Prior to the expenditure of funds from the export
 3608 finance account, adopt bylaws and policies which are necessary
 3609 to carry out the responsibilities under this part, particularly
 3610 with respect to the implementation of the corporation's programs
 3611 to insure, coinsure, lend, provide loan guarantees, and make
 3612 direct, guaranteed, or collateralized loans by the corporation
 3613 to support export transactions. The corporation's bylaws and
 3614 policies shall be reviewed and approved by the department
 3615 ~~Enterprise Florida, Inc.~~, prior to final adoption by the board.

3616 (c) Issue an annual report to the department ~~Enterprise~~
 3617 ~~Florida, Inc.~~, on the activities of the corporation, including
 3618 an evaluation of activities and recommendations for change. The
 3619 evaluation shall include the corporation's impact on the
 3620 following:

3621 1. Participation of private banks and other private
 3622 organizations and individuals in the corporation's export
 3623 financing programs.

3624 2. Access of small and medium-sized businesses in this
 3625 state to federal export financing programs.

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3626 3. Export volume of the small and medium-sized businesses
3627 in this state accessing the corporation's programs.

3628 4. Other economic and social benefits to international
3629 programs in this state.

3630 (g) Consult with the department ~~Enterprise Florida, Inc.~~,
3631 or any state or federal agency, to ensure that the respective
3632 loan guarantee or working capital loan origination programs are
3633 not duplicative and that each program makes full use of, to the
3634 extent practicable, the resources of the other.

3635 Section 74. Section 288.7771, Florida Statutes, is amended
3636 to read:

3637 288.7771 Annual report of Florida Export Finance
3638 Corporation.—The corporation shall annually prepare and submit
3639 to the department ~~Enterprise Florida, Inc.~~, for inclusion in its
3640 annual report required under s. 20.60 ~~s. 288.906~~, a complete and
3641 detailed report setting forth:

3642 (1) The report required in s. 288.776(3).

3643 (2) Its assets and liabilities at the end of its most
3644 recent fiscal year.

3645 Section 75. Subsections (4) and (6) of section 288.816,
3646 Florida Statutes, are amended to read:

3647 288.816 Intergovernmental relations.—

3648 (4) The state protocol officer shall serve as a contact
3649 for the state with the Florida Washington Office, the Florida
3650 Congressional Delegation, and United States Government agencies

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3651 with respect to laws or policies which may affect the interests
 3652 of the state in the area of international relations. All
 3653 inquiries received regarding international economic trade
 3654 development or reverse investment opportunities shall be
 3655 referred to the department ~~Enterprise Florida, Inc.~~. In addition,
 3656 the state protocol officer shall serve as liaison with other
 3657 states with respect to international programs of interest to
 3658 Florida. The state protocol officer shall also investigate and
 3659 make suggestions regarding possible areas of joint action or
 3660 regional cooperation with these states.

3661 (6) The department ~~and Enterprise Florida, Inc.~~, shall
 3662 help to contribute an international perspective to the state's
 3663 development efforts.

3664 Section 76. Section 288.826, Florida Statutes, is amended
 3665 to read:

3666 288.826 Florida International Trade and Promotion Trust
 3667 Fund.—There is hereby established in the State Treasury the
 3668 Florida International Trade and Promotion Trust Fund. The moneys
 3669 deposited into this trust fund shall be administered by the
 3670 department for the operation of the direct-support organization
 3671 created pursuant to s. 288.012 ~~Enterprise Florida, Inc.~~, and for
 3672 the operation of Florida international offices under s. 288.012.

3673 Section 77. Section 288.901, Florida Statutes, is
 3674 repealed.

3675 Section 78. Section 288.9015, Florida Statutes, is

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3676 repealed.

3677 Section 79. Section 288.903, Florida Statutes, is

3678 repealed.

3679 Section 80. Section 288.904, Florida Statutes, is

3680 repealed.

3681 Section 81. Section 288.905, Florida Statutes, is

3682 repealed.

3683 Section 82. Section 288.906, Florida Statutes, is

3684 repealed.

3685 Section 83. Section 288.907, Florida Statutes, is

3686 renumbered as section 288.0065, Florida Statutes, and amended to

3687 read:

3688 288.0065 ~~288.907~~ Annual incentives report.—By December 30

3689 of each year, ~~Enterprise Florida, Inc., in conjunction with the~~

3690 department, shall provide the Governor, the President of the

3691 Senate, and the Speaker of the House of Representatives a

3692 detailed incentives report quantifying the economic benefits for

3693 all of the economic development incentive programs administered

3694 by the department and its public-private partnerships ~~marketed~~

3695 ~~by Enterprise Florida, Inc.~~ The annual incentives report must

3696 include:

3697 (1) For each incentive program:

3698 (a) A brief description of the incentive program.

3699 (b) The amount of awards granted, by year, since inception

3700 and the annual amount actually transferred from the state

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3701 treasury to businesses or for the benefit of businesses for each
 3702 of the previous 3 years.

3703 ~~(c) The actual amount of private capital invested, actual~~
 3704 ~~number of jobs created, and actual wages paid for incentive~~
 3705 ~~agreements completed during the previous 3 years for each target~~
 3706 ~~industry sector.~~

3707 (2) For projects completed during the previous state
 3708 fiscal year:

3709 (a) The number of economic development incentive
 3710 applications received.

3711 ~~(b) The number of recommendations made to the department~~
 3712 ~~by Enterprise Florida, Inc., including the number recommended~~
 3713 ~~for approval and the number recommended for denial.~~

3714 ~~(c) The number of final decisions issued by the department~~
 3715 ~~for approval and for denial.~~

3716 (c) ~~(d)~~ The projects for which a tax refund, tax credit, or
 3717 cash grant agreement was executed, identifying for each project:

- 3718 1. The number of jobs committed to be created.
- 3719 2. The amount of capital investments committed to be made.
- 3720 3. The annual average wage committed to be paid.
- 3721 4. The amount of state economic development incentives
 3722 committed to the project from each incentive program under the
 3723 project's terms of agreement with the Department of Commerce
 3724 ~~Economic Opportunity.~~
- 3725 5. The amount and type of local matching funds committed

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3726 to the project.

3727 (d)~~(e)~~ Tax refunds paid or other payments made funded out

3728 of the Economic Development Incentives Account for each project.

3729 (e)~~(f)~~ The types of projects supported.

3730 (3) For economic development projects that received tax

3731 refunds, tax credits, or cash grants under the terms of an

3732 agreement for incentives:

3733 (a) The number of jobs actually created.

3734 (b) The amount of capital investments actually made.

3735 (c) The annual average wage paid.

3736 (4) For a project receiving economic development

3737 incentives approved by the department and receiving federal or

3738 local incentives, a description of the federal or local

3739 incentives, if available.

3740 (5) The number of withdrawn or terminated projects that

3741 did not fulfill the terms of their agreements with the

3742 department and, consequently, are not receiving incentives.

3743 ~~(6) For any agreements signed after July 1, 2010, findings~~

3744 ~~and recommendations on the efforts of the department to~~

3745 ~~ascertain the causes of any business's inability to complete its~~

3746 ~~agreement made under s. 288.106.~~

3747 ~~(7)~~ The amount of tax refunds, tax credits, or other

3748 payments made to projects locating or expanding in state

3749 enterprise zones, rural communities, brownfield areas, or

3750 distressed urban communities. The report must include a separate

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3751 analysis of the impact of such tax refunds on state enterprise
 3752 zones designated under s. 290.0065, rural communities,
 3753 brownfield areas, and distressed urban communities.

3754 ~~(8) The name of and tax refund amount for each business~~
 3755 ~~that has received a tax refund under s. 288.1045 or s. 288.106~~
 3756 ~~during the preceding fiscal year.~~

3757 (7)~~(9)~~ An identification of the target industry businesses
 3758 and high-impact businesses.

3759 (8)~~(10)~~ A description of the trends relating to business
 3760 interest in, and usage of, the various incentives, and the
 3761 number of minority-owned or woman-owned businesses receiving
 3762 incentives.

3763 (9)~~(11)~~ An identification of incentive programs not used
 3764 and recommendations for program changes or program elimination.

3765 (10)~~(12)~~ Information related to the validation of
 3766 contractor performance required under s. 288.061.

3767 ~~(13) Beginning in 2014, A summation of the activities~~
 3768 ~~related to the Florida Space Business Incentives Act.~~

3769 Section 84. Section 288.911, Florida Statutes, is
 3770 repealed.

3771 Section 85. Section 288.912, Florida Statutes, is
 3772 renumbered as section 288.007, Florida Statutes, and amended to
 3773 read:

3774 288.007 ~~288.912~~ Inventory of communities seeking to
 3775 recruit businesses.—By September 30 of each year, a county or

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3776 municipality that has a population of at least 25,000 or its
 3777 local economic development organization must submit to the
 3778 department Enterprise Florida, Inc., a brief overview of the
 3779 strengths, services, and economic development incentives that
 3780 its community offers. The local government or its local economic
 3781 development organization also must identify any industries that
 3782 it is encouraging to locate or relocate to its area. A county or
 3783 municipality having a population of 25,000 or fewer or its local
 3784 economic development organization seeking to recruit businesses
 3785 may submit information as required in this section and may
 3786 participate in any activity or initiative resulting from the
 3787 collection, analysis, and reporting of the information to the
 3788 department Enterprise Florida, Inc., pursuant to this section.

3789 Section 86. Section 288.92, Florida Statutes, is repealed.

3790 Section 87. Section 288.923, Florida Statutes, is
 3791 repealed.

3792 Section 88. Section 288.95155, Florida Statutes, is
 3793 repealed.

3794 Section 89. Section 288.9519, Florida Statutes, is
 3795 repealed.

3796 Section 90. Section 288.9520, Florida Statutes, is
 3797 renumbered as section 288.002, Florida Statutes, and amended to
 3798 read:

3799 288.002 ~~288.9520~~ Public records exemption for certain
 3800 materials held by the former Enterprise Florida, Inc.—Materials

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3801 that relate to methods of manufacture or production, potential
 3802 trade secrets, potentially patentable material, actual trade
 3803 secrets, business transactions, financial and proprietary
 3804 information, and agreements or proposals to receive funding that
 3805 are received, generated, ascertained, or discovered by the
 3806 former Enterprise Florida, Inc., including its affiliates or
 3807 subsidiaries and partnership participants, such as private
 3808 enterprises, educational institutions, and other organizations,
 3809 are confidential and exempt from the provisions of s. 119.07(1)
 3810 and s. 24(a), Art. I of the State Constitution, except that a
 3811 recipient of the former Enterprise Florida, Inc., research funds
 3812 shall make available, upon request, the title and description of
 3813 the research project, the name of the researcher, and the amount
 3814 and source of funding provided for the project. Effective July
 3815 1, 2023, the Department of Commerce is the custodian of any
 3816 public records made confidential and exempt under this section.

3817 Section 91. Section 288.955, Florida Statutes, is
 3818 repealed.

3819 Section 92. Subsection (10) of section 288.9603, Florida
 3820 Statutes, is amended to read:

3821 288.9603 Definitions.—

3822 (10) "Partnership" means the department ~~Enterprise~~
 3823 ~~Florida, Inc.~~

3824 Section 93. Subsection (5) of section 288.9604, Florida
 3825 Statutes, is amended to read:

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3826 | 288.9604 Creation of the corporation.—

3827 | ~~(5) This section is repealed July 1, 2023, and July 1 of~~
 3828 | ~~every fourth year thereafter, unless reviewed and saved from~~
 3829 | ~~repeal by the Legislature.~~

3830 | Section 94. Paragraph (v) of subsection (2) of section
 3831 | 288.9605, Florida Statutes, is amended to read:

3832 | 288.9605 Corporation powers.—

3833 | (2) The corporation is authorized and empowered to:

3834 | (v) Enter into investment agreements with the department
 3835 | ~~Enterprise Florida, Inc.~~, concerning the issuance of bonds and
 3836 | other forms of indebtedness and capital.

3837 | Section 95. Section 288.9614, Florida Statutes, is amended
 3838 | to read:

3839 | 288.9614 Authorized programs.—The department ~~Enterprise~~
 3840 | ~~Florida, Inc.~~, may take any action that it deems necessary to
 3841 | achieve the purposes of this act in partnership with private
 3842 | enterprises, public agencies, and other organizations,
 3843 | including, but not limited to, efforts to address the long-term
 3844 | debt needs of small-sized and medium-sized firms, to address the
 3845 | needs of microenterprises, to expand availability of venture
 3846 | capital, and to increase international trade and export finance
 3847 | opportunities for firms critical to achieving the purposes of
 3848 | this act.

3849 | Section 96. Paragraphs (a) and (b) of subsection (1) of
 3850 | section 288.9624, Florida Statutes, are amended to read:

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3851 288.9624 Florida Opportunity Fund; creation; duties.—
 3852 (1) (a) ~~Enterprise Florida, Inc., shall facilitate the~~
 3853 ~~creation of~~ The Florida Opportunity Fund is, a private, not-for-
 3854 profit corporation organized and operated under chapter 617.
 3855 ~~Enterprise Florida, Inc., shall be the fund's sole shareholder~~
 3856 ~~or member.~~ The fund is not a public corporation or
 3857 instrumentality of the state. The fund shall manage its business
 3858 affairs and conduct business consistent with its organizational
 3859 documents and the purposes set forth in this section and under
 3860 contract with the department. Notwithstanding the powers granted
 3861 under chapter 617, the corporation may not amend, modify, or
 3862 repeal a bylaw or article of incorporation without the express
 3863 written consent of the department ~~Enterprise Florida, Inc.~~
 3864 (b) The board of directors of the Florida Opportunity Fund
 3865 shall have five members, appointed by the Governor ~~vote of the~~
 3866 ~~board of directors of Enterprise Florida, Inc.~~ Board members
 3867 shall serve terms as provided in the fund's organizational
 3868 documents. Within 90 days before an anticipated vacancy by
 3869 expiration of the term of a board member, the board of directors
 3870 of the fund shall submit a list of three eligible nominees,
 3871 which may include the incumbent, to the Governor. The Governor
 3872 ~~board of directors of Enterprise Florida, Inc.~~ The board of
 3873 ~~directors of Enterprise Florida, Inc.,~~ may appoint a board
 3874 member from the nominee list or may request and appoint from a
 3875 new list of three nominees not included on the previous list.

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3876 Section 97. Subsection (2) and paragraph (a) of subsection
 3877 (9) of section 288.9625, Florida Statutes, are amended to read:
 3878 288.9625 Institute for Commercialization of Florida
 3879 Technology.—

3880 (2) The purpose of the institute is to assist, without any
 3881 financial support or specific appropriations from the state, in
 3882 the commercialization of products developed by the research and
 3883 development activities of an innovation business, including, but
 3884 not limited to, those defined in former s. 288.1089. The
 3885 institute shall fulfill its purpose in the best interests of the
 3886 state. The institute:

3887 (a) Is a corporation primarily acting as an
 3888 instrumentality of the state pursuant to s. 768.28(2), for the
 3889 purposes of sovereign immunity;

3890 (b) Is not an agency within the meaning of s. 20.03(11);

3891 (c) Is subject to the open records and meetings
 3892 requirements of s. 24, Art. I of the State Constitution, chapter
 3893 119, and s. 286.011;

3894 (d) Is not subject to chapter 287;

3895 (e) Is governed by the code of ethics for public officers
 3896 and employees as set forth in part III of chapter 112;

3897 (f) May create corporate subsidiaries; and

3898 (g) May not receive any financial support or specific
 3899 appropriations from the state.

3900 (9) By December 1 of each year, the institute shall issue

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3901 an annual report concerning its activities to the Governor, the
 3902 President of the Senate, and the Speaker of the House of
 3903 Representatives. The annual report shall be considered a public
 3904 record, as provided in paragraph (3)(b), subject to any
 3905 appropriate exemptions under s. 288.9627. The annual report must
 3906 include the following:

3907 (a) Information on any assistance provided by the
 3908 institute to an innovation business, as defined in former s.
 3909 288.1089.

3910 Section 98. Subsection (4) of section 288.96255, Florida
 3911 Statutes, is amended to read:

3912 288.96255 Florida Technology Seed Capital Fund; creation;
 3913 duties.—

3914 (4) The private fund manager shall use a thorough and
 3915 detailed process that is modeled after investment industry
 3916 practices to evaluate a proposal. In order to approve a company
 3917 for investment, the private fund manager, on behalf of the
 3918 institute, must consider if:

3919 (a) The company has a strong intellectual property
 3920 position, a capable management team, readily identifiable paths
 3921 to market or commercialization, significant job-growth
 3922 potential, the ability to provide other sources of capital to
 3923 leverage the state's investment, and the potential to attract
 3924 additional funding;

3925 (b) The private fund manager has had an opportunity to

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3926 complete due diligence to its satisfaction;

3927 (c) The company is a target industry business as defined
 3928 in s. 288.005 ~~s. 288.106(2)~~; and

3929 (d) An approved private-sector lead investor who has
 3930 demonstrated due diligence typical of start-up investments in
 3931 evaluating the potential of the company has identified the
 3932 company.

3933 Section 99. Paragraph (b) of subsection (1) of section
 3934 288.980, Florida Statutes, is amended to read:

3935 288.980 Military base retention; legislative intent;
 3936 grants program.—

3937 (1)

3938 (b) The Florida Defense Alliance, an organization within
 3939 the department ~~Enterprise Florida, Inc.~~, is designated as the
 3940 organization to ensure that Florida, its resident military bases
 3941 and missions, and its military host communities are in
 3942 competitive positions as the United States continues its defense
 3943 realignment and downsizing. The defense alliance shall serve as
 3944 an overall advisory body for defense-related activity of the
 3945 department ~~Enterprise Florida, Inc.~~. The Florida Defense Alliance
 3946 may receive funding from appropriations made for that purpose
 3947 administered by the department.

3948 Section 100. Subsection (7) of section 288.987, Florida
 3949 Statutes, is amended to read:

3950 288.987 Florida Defense Support Task Force.—

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3951 (7) The department shall support the task force and
 3952 contract with the task force for expenditure of appropriated
 3953 funds, which may be used by the task force for economic and
 3954 product research and development, joint planning with host
 3955 communities to accommodate military missions and prevent base
 3956 encroachment, advocacy on the state's behalf with federal
 3957 civilian and military officials, assistance to school districts
 3958 in providing a smooth transition for large numbers of additional
 3959 military-related students, job training and placement for
 3960 military spouses in communities with high proportions of active
 3961 duty military personnel, and promotion of the state to military
 3962 and related contractors and employers. The task force may
 3963 annually spend up to \$250,000 of funds appropriated to the
 3964 department for the task force for staffing and administrative
 3965 expenses of the task force, including travel and per diem costs
 3966 incurred by task force members who are not otherwise eligible
 3967 for state reimbursement.

3968 Section 101. Section 288.991, Florida Statutes, is
 3969 repealed.

3970 Section 102. Section 288.9912, Florida Statutes, is
 3971 repealed.

3972 Section 103. Section 288.9913, Florida Statutes, is
 3973 repealed.

3974 Section 104. Section 288.9914, Florida Statutes, is
 3975 repealed.

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3976 Section 105. Section 288.9915, Florida Statutes, is
 3977 repealed.

3978 Section 106. Section 288.9916, Florida Statutes, is
 3979 repealed.

3980 Section 107. Section 288.9917, Florida Statutes, is
 3981 repealed.

3982 Section 108. Section 288.9918, Florida Statutes, is
 3983 repealed.

3984 Section 109. Section 288.9919, Florida Statutes, is
 3985 repealed.

3986 Section 110. Section 288.9920, Florida Statutes, is
 3987 repealed.

3988 Section 111. Section 288.9921, Florida Statutes, is
 3989 repealed.

3990 Section 112. Section 288.9922, Florida Statutes, is
 3991 repealed.

3992 Section 113. Subsection (2) of section 288.9932, Florida
 3993 Statutes, is amended to read:

3994 288.9932 Definitions.—As used in this part, the term:

3995 ~~(2) "Domiciled in this state" means authorized to do~~
 3996 ~~business in this state and located in this state.~~

3997 Section 114. Section 288.9934, Florida Statutes, is
 3998 repealed.

3999 Section 115. Subsections (3) through (9) of section
 4000 288.9935, Florida Statutes, are amended to read:

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4001 288.9935 Microfinance Guarantee Program.—
 4002 (3) The department ~~must enter into a contract with~~
 4003 ~~Enterprise Florida, Inc.,~~ to administer the Microfinance
 4004 Guarantee Program. ~~In administering the program, Enterprise~~
 4005 ~~Florida, Inc.,~~ must, at a minimum:
 4006 (a) Establish lender and borrower eligibility requirements
 4007 in addition to those provided in this section;
 4008 (b) Determine a reasonable leverage ratio of loan amounts
 4009 guaranteed to state funds; however, the leverage ratio may not
 4010 exceed 3 to 1;
 4011 (c) Establish reasonable fees and interest;
 4012 (d) Promote the program to financial institutions that
 4013 provide loans to entrepreneurs and small businesses in order to
 4014 maximize the number of lenders throughout the state which
 4015 participate in the program;
 4016 (e) Enter into a memorandum of understanding with the
 4017 network to promote the program to underserved entrepreneurs and
 4018 small businesses;
 4019 (f) Establish limits on the total amount of loan
 4020 guarantees a single lender can receive;
 4021 (g) Establish an average loan guarantee amount for loans
 4022 guaranteed under this section;
 4023 (h) Establish a risk-sharing strategy to be employed in
 4024 the event of a loan failure; and
 4025 (i) Establish financial performance measures and

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4026 objectives for the program in order to maximize the state funds.

4027 (4) The department ~~Enterprise Florida, Inc.,~~ is limited to
 4028 providing loan guarantees for loans with total loan amounts of
 4029 at least \$50,000 and not more than \$250,000. A loan guarantee
 4030 may not exceed 50 percent of the total loan amount.

4031 (5) The department ~~Enterprise Florida, Inc.,~~ may not
 4032 guarantee a loan if the direct or indirect purpose or result of
 4033 the loan would be to:

4034 (a) Pay off any creditors of the applicant, including the
 4035 refund of a debt owed to a small business investment company
 4036 organized pursuant to 15 U.S.C. s. 681;

4037 (b) Provide funds, directly or indirectly, for payment,
 4038 distribution, or as a loan to owners, partners, or shareholders
 4039 of the applicant's business, except as ordinary compensation for
 4040 services rendered;

4041 (c) Finance the acquisition, construction, improvement, or
 4042 operation of real property which is, or will be, held primarily
 4043 for sale or investment;

4044 (d) Pay for lobbying activities; or

4045 (e) Replenish funds used for any of the purposes specified
 4046 in paragraphs (a) - (d).

4047 (6) The department ~~Enterprise Florida, Inc.,~~ may not use
 4048 funds appropriated from the state for costs associated with
 4049 administering the guarantee program.

4050 (7) To be eligible to receive a loan guarantee under the

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4051 Microfinance Guarantee Program, a borrower must, at a minimum:
 4052 (a) Be an entrepreneur or small business located in this
 4053 state;
 4054 (b) Employ 25 or fewer people;
 4055 (c) Generate average annual gross revenues of \$1.5 million
 4056 or less per year for the last 2 years; and
 4057 (d) Meet any additional requirements established by the
 4058 department Enterprise Florida, Inc.
 4059 (8) The department must, By October 1 of each year,
 4060 Enterprise Florida, Inc., shall submit a complete and detailed
 4061 annual report to the department for inclusion in the
 4062 department's report required under s. 20.60(10), include an
 4063 annual report on the program. The report must, at a minimum,
 4064 provide:
 4065 (a) A comprehensive description of the program, including
 4066 an evaluation of its application and guarantee activities,
 4067 recommendations for change, and identification of any other
 4068 state programs that overlap with the program;
 4069 (b) An assessment of the current availability of and
 4070 access to credit for entrepreneurs and small businesses in this
 4071 state;
 4072 (c) A summary of the financial and employment results of
 4073 the entrepreneurs and small businesses receiving loan
 4074 guarantees, including the number of full-time equivalent jobs
 4075 created as a result of the guaranteed loans and the amount of

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4076 wages paid to employees in the newly created jobs;

4077 (d) Industry data about the borrowers, including the six-

4078 digit North American Industry Classification System (NAICS)

4079 code;

4080 (e) The name and location of lenders that receive loan

4081 guarantees;

4082 ~~(f) The amount of state funds received by Enterprise~~

4083 ~~Florida, Inc.;~~

4084 ~~(g)~~ The number of loan guarantee applications received;

4085 (g)~~(h)~~ The number, duration, location, and amount of

4086 guarantees made;

4087 (h)~~(i)~~ The number and amount of guaranteed loans

4088 outstanding, if any;

4089 (i)~~(j)~~ The number and amount of guaranteed loans with

4090 payments overdue, if any;

4091 (j)~~(k)~~ The number and amount of guaranteed loans in

4092 default, if any;

4093 (k)~~(l)~~ The repayment history of the guaranteed loans made;

4094 and

4095 (l)~~(m)~~ An evaluation of the program's ability to meet the

4096 financial performance measures and objectives specified in

4097 subsection (3).

4098 (9) The credit of the state ~~or Enterprise Florida, Inc.,~~

4099 may not be pledged except for funds appropriated by law to the

4100 Microfinance Guarantee Program. The state is not liable or

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4101 obligated in any way for claims on the program or against
 4102 ~~Enterprise Florida, Inc.,~~ or the department.

4103 Section 116. Section 288.9936, Florida Statutes, is
 4104 repealed.

4105 Section 117. Section 288.9937, Florida Statutes, is
 4106 repealed.

4107 Section 118. Subsection (3) of section 288.9961, Florida
 4108 Statutes, is amended to read:

4109 288.9961 Promotion of broadband adoption; Florida Office
 4110 of Broadband.—

4111 (3) STATE AGENCY.—The department is designated as the lead
 4112 state agency to facilitate the expansion of broadband Internet
 4113 service in this state. The department shall work collaboratively
 4114 with private businesses and receive staffing support and other
 4115 resources from ~~Enterprise Florida, Inc.,~~ state agencies, local
 4116 governments, and community organizations.

4117 Section 119. Paragraph (h) of subsection (8) of section
 4118 290.0056, Florida Statutes, is amended to read:

4119 290.0056 Enterprise zone development agency.—

4120 (8) The enterprise zone development agency shall have the
 4121 following powers and responsibilities:

4122 (h) To work with the department ~~and Enterprise Florida,~~
 4123 ~~Inc.,~~ to ensure that the enterprise zone coordinator receives
 4124 training on an annual basis.

4125 Section 120. Paragraph (b) of subsection (4) and

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4126 subsection (7) of section 290.0065, Florida Statutes, are
 4127 amended to read:

4128 290.0065 State designation of enterprise zones.—

4129 (4)

4130 (b) ~~In consultation with Enterprise Florida, Inc.,~~ The
 4131 department shall, based on the enterprise zone profile and the
 4132 grounds for redesignation expressed in the resolution, determine
 4133 whether the enterprise zone merits redesignation. The department
 4134 may also examine and consider the following:

4135 1. Progress made, if any, in the enterprise zone's
 4136 strategic plan.

4137 2. Use of enterprise zone incentives during the life of
 4138 the enterprise zone.

4139
 4140 If the department determines that the enterprise zone merits
 4141 redesignation, the department shall notify the governing body in
 4142 writing of its approval of redesignation.

4143 (7) Upon approval by the department of a resolution
 4144 authorizing an area to be an enterprise zone pursuant to this
 4145 section, the department shall assign a unique identifying number
 4146 to that resolution. The department shall provide the Department
 4147 of Revenue ~~and Enterprise Florida, Inc.,~~ with a copy of each
 4148 resolution approved, together with its identifying number.

4149 Section 121. Section 290.00677, Florida Statutes, is
 4150 amended to read:

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4151 290.00677 Rural enterprise zones; special qualifications.—

4152 (1) Notwithstanding the enterprise zone residency
 4153 requirements set out in s. 212.096(1)(c), eligible businesses as
 4154 defined in s. 212.096(1)(a) located in rural enterprise zones as
 4155 defined in s. 290.004 may receive the basic minimum credit
 4156 provided under s. 212.096 for creating a new job and hiring a
 4157 person residing within the jurisdiction of a rural community as
 4158 defined in former s. 288.106(2). All other provisions of s.
 4159 212.096, including, but not limited to, those relating to the
 4160 award of enhanced credits, apply to such businesses.

4161 (2) Notwithstanding the enterprise zone residency
 4162 requirements set out in s. 220.03(1)(q), businesses as defined
 4163 in s. 220.03(1)(c) located in rural enterprise zones as defined
 4164 in s. 290.004 may receive the basic minimum credit provided
 4165 under s. 220.181 for creating a new job and hiring a person
 4166 residing within the jurisdiction of a rural community as defined
 4167 in former s. 288.106(2). All other provisions of s. 220.181,
 4168 including, but not limited to, those relating to the award of
 4169 enhanced credits, apply to such businesses.

4170 Section 122. Subsections (3) and (4) of section 290.053,
 4171 Florida Statutes, are amended to read:

4172 290.053 Response to economic emergencies in small
 4173 communities.—

4174 (3) A local government entity shall notify the Governor
 4175 and, the Department of Commerce ~~Economic Opportunity~~, and

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4176 ~~Enterprise Florida, Inc.,~~ when one or more of the conditions
 4177 specified in subsection (2) have occurred or will occur if
 4178 action is not taken to assist the local governmental entity or
 4179 the affected community.

4180 (4) Upon notification that one or more of the conditions
 4181 described in subsection (2) exist, the Governor or his or her
 4182 designee shall contact the local governmental entity to
 4183 determine what actions have been taken by the local governmental
 4184 entity or the affected community to resolve the economic
 4185 emergency. The Governor may waive the eligibility criteria of
 4186 any program or activity administered by the Department of
 4187 Commerce ~~Economic Opportunity or Enterprise Florida, Inc.,~~ to
 4188 provide economic relief to the affected community by granting
 4189 participation in such programs or activities. The Governor shall
 4190 consult with the President of the Senate and the Speaker of the
 4191 House of Representatives and shall take other action, as
 4192 necessary, to resolve the economic emergency in the most
 4193 expedient manner possible. All actions taken pursuant to this
 4194 section shall be within current appropriations and shall have no
 4195 annualized impact beyond normal growth.

4196 Section 123. Paragraph (d) of subsection (3) and
 4197 subsection (4) of section 295.22, Florida Statutes, are amended
 4198 to read:

4199 295.22 Veterans Employment and Training Services Program.—

4200 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall

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4201 administer the Veterans Employment and Training Services Program
 4202 and perform all of the following functions:

4203 (d) Create a grant program to provide funding to assist
 4204 veterans in meeting the workforce-skill needs of businesses
 4205 seeking to hire, promote, or generally improve specialized
 4206 skills of veterans, establish criteria for approval of requests
 4207 for funding, and maximize the use of funding for this program.
 4208 Grant funds may be used only in the absence of available
 4209 veteran-specific federally funded programs. Grants may fund
 4210 specialized training specific to a particular business.

4211 1. If grant funds are used to provide a technical
 4212 certificate, a licensure, or a degree, funds may be allocated
 4213 only upon a review that includes, but is not limited to,
 4214 documentation of accreditation and licensure. Instruction funded
 4215 through the program terminates when participants demonstrate
 4216 competence at the level specified in the request but may not
 4217 exceed 12 months. Preference shall be given to target industry
 4218 businesses, as defined in s. 288.005 ~~s. 288.106~~, and to
 4219 businesses in the defense supply, cloud virtualization, or
 4220 commercial aviation manufacturing industries.

4221 2. Costs and expenditures shall be limited to \$8,000 per
 4222 veteran trainee. Qualified businesses must cover the entire cost
 4223 for all of the training provided before receiving reimbursement
 4224 from the corporation equal to 50 percent of the cost to train a
 4225 veteran who is a permanent, full-time employee. Eligible costs

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4226 | and expenditures include:

4227 | a. Tuition and fees.

4228 | b. Books and classroom materials.

4229 | c. Rental fees for facilities.

4230 | 3. Before funds are allocated for a request pursuant to

4231 | this section, the corporation shall prepare a grant agreement

4232 | between the business requesting funds and the corporation. Such

4233 | agreement must include, but need not be limited to:

4234 | a. Identification of the personnel necessary to conduct

4235 | the instructional program, instructional program description,

4236 | and any vendors used to conduct the instructional program.

4237 | b. Identification of the estimated duration of the

4238 | instructional program.

4239 | c. Identification of all direct, training-related costs.

4240 | d. Identification of special program requirements that are

4241 | not otherwise addressed in the agreement.

4242 | e. Permission to access aggregate information specific to

4243 | the wages and performance of participants upon the completion of

4244 | instruction for evaluation purposes. The agreement must specify

4245 | that any evaluation published subsequent to the instruction may

4246 | not identify the employer or any individual participant.

4247 | 4. A business may receive a grant under the Quick-Response

4248 | Training Program created under s. 288.047 and a grant under this

4249 | section for the same veteran trainee. If a business receives

4250 | funds under both programs, one grant agreement may be entered

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4251 into with CareerSource Florida, Inc., as the grant
 4252 administrator.

4253 ~~(4) DUTIES OF ENTERPRISE FLORIDA, INC.—Enterprise Florida,~~
 4254 ~~Inc., shall provide information about the corporation and its~~
 4255 ~~services to prospective, new, expanding, and relocating~~
 4256 ~~businesses seeking to conduct business in this state. Enterprise~~
 4257 ~~Florida, Inc., shall, to the greatest extent possible,~~
 4258 ~~collaborate with the corporation to meet the employment needs,~~
 4259 ~~including meeting the job-creation requirements, of any business~~
 4260 ~~receiving assistance or services from Enterprise Florida, Inc.~~

4261 Section 124. Paragraph (a) of subsection (6), paragraph
 4262 (b) of subsection (9), paragraph (a) of subsection (34),
 4263 subsection (57), and paragraph (b) of subsection (61) of section
 4264 320.08058, Florida Statutes, are amended to read:

4265 320.08058 Specialty license plates.—

4266 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
 4267 PLATES.—

4268 (a) Because the United States Olympic Committee has
 4269 selected this state to participate in a combined fundraising
 4270 program that provides for one-half of all money raised through
 4271 volunteer giving to stay in this state and be administered by
 4272 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ to
 4273 support amateur sports, and because the United States Olympic
 4274 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
 4275 ~~Inc.,~~ are nonprofit organizations dedicated to providing

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4276 athletes with support and training and preparing athletes of all
 4277 ages and skill levels for sports competition, and because the
 4278 Florida Sports Foundation ~~Enterprise Florida, Inc.~~, assists in
 4279 the bidding for sports competitions that provide significant
 4280 impact to the economy of this state, and the Legislature
 4281 supports the efforts of the United States Olympic Committee and
 4282 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the
 4283 Legislature establishes a Florida United States Olympic
 4284 Committee license plate for the purpose of providing a
 4285 continuous funding source to support this worthwhile effort.
 4286 Florida United States Olympic Committee license plates must
 4287 contain the official United States Olympic Committee logo and
 4288 must bear a design and colors that are approved by the
 4289 department. The word "Florida" must be centered at the top of
 4290 the plate.

4291 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

4292 (b) The license plate annual use fees are to be annually
 4293 distributed as follows:

4294 1. Fifty-five percent of the proceeds from the Florida
 4295 Professional Sports Teamplate must be deposited into the
 4296 Professional Sports Development Trust Fund within the Department
 4297 of Commerce ~~Economic Opportunity~~. These funds must be used
 4298 solely to attract and support major sports events in this state.
 4299 As used in this subparagraph, the term "major sports events"
 4300 means, but is not limited to, championship or all-star contests

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4301 of Major League Baseball, the National Basketball Association,
 4302 the National Football League, the National Hockey League, Major
 4303 League Soccer, the men's and women's National Collegiate
 4304 Athletic Association Final Four basketball championship, or a
 4305 horseracing or dogracing Breeders' Cup. All funds must be used
 4306 to support and promote major sporting events, and the uses must
 4307 be approved by the Department of Commerce ~~Economic Opportunity~~.

4308 2. The remaining proceeds of the Florida Professional
 4309 Sports Team license plate must be allocated to the Florida
 4310 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
 4311 deposited into the Professional Sports Development Trust Fund
 4312 within the Department of Commerce ~~Economic Opportunity~~. These
 4313 funds must be used by the Florida Sports Foundation ~~Enterprise~~
 4314 ~~Florida, Inc.~~, to promote the economic development of the sports
 4315 industry; to distribute licensing and royalty fees to
 4316 participating professional sports teams; to promote education
 4317 programs in Florida schools that provide an awareness of the
 4318 benefits of physical activity and nutrition standards; to
 4319 partner with the Department of Education and the Department of
 4320 Health to develop a program that recognizes schools whose
 4321 students demonstrate excellent physical fitness or fitness
 4322 improvement; to institute a grant program for communities
 4323 bidding on minor sporting events that create an economic impact
 4324 for the state; to distribute funds to Florida-based charities
 4325 designated by the Florida Sports Foundation ~~Enterprise Florida,~~

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4326 ~~Inc.~~ and the participating professional sports teams; and to
 4327 fulfill the sports promotion responsibilities of the Department
 4328 of Commerce ~~Economic Opportunity~~.

4329 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
 4330 shall provide an annual financial audit in accordance with s.
 4331 215.981 of its financial accounts and records by an independent
 4332 certified public accountant pursuant to the contract established
 4333 by the Department of Commerce as specified in s. 288.1229(5)
 4334 ~~Economic Opportunity~~. The auditor shall submit the audit report
 4335 to the Department of Commerce ~~Economic Opportunity~~ for review
 4336 and approval. If the audit report is approved, the Department of
 4337 Commerce ~~Economic Opportunity~~ shall certify the audit report to
 4338 the Auditor General for review.

4339 4. Notwithstanding the provisions of subparagraphs 1. and
 4340 2., proceeds from the Professional Sports Development Trust Fund
 4341 may also be used for operational expenses of the Florida Sports
 4342 Foundation ~~Enterprise Florida, Inc.~~, and financial support of
 4343 the Sunshine State Games.

4344 (34) FLORIDA GOLF LICENSE PLATES.—

4345 (a) The Department of Highway Safety and Motor Vehicles
 4346 shall develop a Florida Golf license plate as provided in this
 4347 section. The word "Florida" must appear at the bottom of the
 4348 plate. The Dade Amateur Golf Association, following consultation
 4349 with the Florida Sports Foundation, the PGA TOUR, ~~Enterprise~~
 4350 ~~Florida, Inc.~~, the LPGA, and the PGA of America, may submit a

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4351 revised sample plate for consideration by the department.

4352 (57) FLORIDA NASCAR LICENSE PLATES.—

4353 (a) The department shall develop a Florida NASCAR license
 4354 plate as provided in this section. Florida NASCAR license plates
 4355 must bear the colors and design approved by the department. The
 4356 word "Florida" must appear at the top of the plate, and the term
 4357 "NASCAR" must appear at the bottom of the plate. The National
 4358 Association for Stock Car Auto Racing, following consultation
 4359 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may
 4360 submit a sample plate for consideration by the department.

4361 (b) The license plate annual use fees shall be distributed
 4362 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The
 4363 license plate annual use fees shall be annually allocated as
 4364 follows:

4365 1. Up to 5 percent of the proceeds from the annual use
 4366 fees may be used by the Florida Sports Foundation ~~Enterprise~~
 4367 ~~Florida, Inc.~~, for the administration of the NASCAR license
 4368 plate program.

4369 2. The National Association for Stock Car Auto Racing
 4370 shall receive up to \$60,000 in proceeds from the annual use fees
 4371 to be used to pay startup costs, including costs incurred in
 4372 developing and issuing the plates. Thereafter, 10 percent of the
 4373 proceeds from the annual use fees shall be provided to the
 4374 association for the royalty rights for the use of its marks.

4375 3. The remaining proceeds from the annual use fees shall

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4376 be distributed to the Florida Sports Foundation ~~Enterprise~~
 4377 ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~
 4378 ~~Inc.,~~ will retain 15 percent to support its regional grant
 4379 program, attracting sporting events to Florida; 20 percent to
 4380 support the marketing of motorsports-related tourism in the
 4381 state; and 50 percent to be paid to the NASCAR Foundation, a s.
 4382 501(c)(3) charitable organization, to support Florida-based
 4383 charitable organizations.

4384 (c) The Florida Sports Foundation ~~Enterprise Florida,~~
 4385 ~~Inc.,~~ shall provide an annual financial audit in accordance with
 4386 s. 215.981 of its financial accounts and records by an
 4387 independent certified public accountant pursuant to the contract
 4388 established by the Department of Commerce as specified in s.
 4389 288.1229(5) ~~Economic Opportunity~~. The auditor shall submit the
 4390 audit report to the Department of Commerce ~~Economic Opportunity~~
 4391 for review and approval. If the audit report is approved, the
 4392 Department of Commerce ~~Economic Opportunity~~ shall certify the
 4393 audit report to the Auditor General for review.

4394 (61) FLORIDA TENNIS LICENSE PLATES.—

4395 (b) The department shall distribute the annual use fees to
 4396 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
 4397 license plate annual use fees shall be annually allocated as
 4398 follows:

4399 1. Up to 5 percent of the proceeds from the annual use
 4400 fees may be used by the Florida Sports Foundation ~~Enterprise~~

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4401 ~~Florida, Inc.,~~ to administer the license plate program.

4402 2. The United States Tennis Association Florida Section
 4403 Foundation shall receive the first \$60,000 in proceeds from the
 4404 annual use fees to reimburse it for startup costs,
 4405 administrative costs, and other costs it incurs in the
 4406 development and approval process.

4407 3. Up to 5 percent of the proceeds from the annual use
 4408 fees may be used for promoting and marketing the license plates.
 4409 The remaining proceeds shall be available for grants by the
 4410 United States Tennis Association Florida Section Foundation to
 4411 nonprofit organizations to operate youth tennis programs and
 4412 adaptive tennis programs for special populations of all ages,
 4413 and for building, renovating, and maintaining public tennis
 4414 courts.

4415 Section 125. Paragraph (a) of subsection (1) of section
 4416 339.2821, Florida Statutes, is amended to read:

4417 339.2821 Economic development transportation projects.—

4418 (1)(a) The department, in consultation with the Department
 4419 of Commerce ~~Economic Opportunity and Enterprise Florida, Inc.,~~
 4420 may make and approve expenditures and contract with the
 4421 appropriate governmental body for the direct costs of
 4422 transportation projects. The Department of Commerce ~~Economic~~
 4423 ~~Opportunity~~ and the Department of Environmental Protection may
 4424 formally review and comment on recommended transportation
 4425 projects, although the department has final approval authority

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4426 | for any project authorized under this section.

4427 | Section 126. Paragraph (h) of subsection (2) of section
4428 | 377.703, Florida Statutes, is amended to read:

4429 | 377.703 Additional functions of the Department of
4430 | Agriculture and Consumer Services.—

4431 | (2) DUTIES.—The department shall perform the following
4432 | functions, unless as otherwise provided, consistent with the
4433 | development of a state energy policy:

4434 | (h) The department shall promote the development and use
4435 | of renewable energy resources, in conformance with chapter 187
4436 | and s. 377.601, by:

4437 | 1. Establishing goals and strategies for increasing the
4438 | use of renewable energy in this state.

4439 | 2. Aiding and promoting the commercialization of renewable
4440 | energy resources, in cooperation with the Florida Energy Systems
4441 | Consortium, the Florida Solar Energy Center, ~~Enterprise Florida,~~
4442 | ~~Inc.,~~ and any other federal, state, or local governmental agency
4443 | that may seek to promote research, development, and the
4444 | demonstration of renewable energy equipment and technology.

4445 | 3. Identifying barriers to greater use of renewable energy
4446 | resources in this state, and developing specific recommendations
4447 | for overcoming identified barriers, with findings and
4448 | recommendations to be submitted annually in the report to the
4449 | Governor and Legislature required under paragraph (f).

4450 | 4. In cooperation with the Department of Environmental

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4451 Protection, the Department of Transportation, the Department of
 4452 Commerce ~~Economic Opportunity, Enterprise Florida, Inc.,~~ the
 4453 Florida Energy Systems Consortium, the Florida Solar Energy
 4454 Center, and the Florida Solar Energy Industries Association,
 4455 investigating opportunities, pursuant to the national Energy
 4456 Policy Act of 1992, the Housing and Community Development Act of
 4457 1992, and any subsequent federal legislation, for renewable
 4458 energy resources, electric vehicles, and other renewable energy
 4459 manufacturing, distribution, installation, and financing efforts
 4460 that enhance this state's position as the leader in renewable
 4461 energy research, development, and use.

4462 5. Undertaking other initiatives to advance the
 4463 development and use of renewable energy resources in this state.

4464
 4465 In the exercise of its responsibilities under this paragraph,
 4466 the department shall seek the assistance of the renewable energy
 4467 industry in this state and other interested parties and may
 4468 enter into contracts, retain professional consulting services,
 4469 and expend funds appropriated by the Legislature for such
 4470 purposes.

4471 Section 127. Subsection (5) of section 377.804, Florida
 4472 Statutes, is amended to read:

4473 377.804 Renewable Energy and Energy-Efficient Technologies
 4474 Grants Program.—

4475 (5) The department shall solicit the expertise of state

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4476 agencies, ~~Enterprise Florida, Inc.~~, and state universities, and
 4477 may solicit the expertise of other public and private entities
 4478 it deems appropriate, in evaluating project proposals. State
 4479 agencies shall cooperate with the department and provide such
 4480 assistance as requested.

4481 Section 128. Paragraph (a) of subsection (4) of section
 4482 377.809, Florida Statutes, is amended to read:

4483 377.809 Energy Economic Zone Pilot Program.—

4484 (4)(a) Beginning July 1, 2012, all the incentives and
 4485 benefits provided for enterprise zones pursuant to state law
 4486 shall be available to the energy economic zones designated
 4487 pursuant to this section on or before July 1, 2010. In order to
 4488 provide incentives, by March 1, 2012, each local governing body
 4489 that has jurisdiction over an energy economic zone must, by
 4490 local ordinance, establish the boundary of the energy economic
 4491 zone, specify applicable energy-efficiency standards, and
 4492 determine eligibility criteria for the application of state and
 4493 local incentives and benefits in the energy economic zone.
 4494 ~~However, in order to receive benefits provided under s. 288.106,~~
 4495 ~~a business must be a qualified target industry business under s.~~
 4496 ~~288.106 for state purposes.~~ An energy economic zone's boundary
 4497 may be revised by local ordinance. Such incentives and benefits
 4498 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
 4499 ~~288.106~~, and 624.5105 and the public utility discounts provided
 4500 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)

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4501 shall be for renewable energy as defined in s. 377.803. For
 4502 purposes of this section, any applicable requirements for
 4503 employee residency for higher refund or credit thresholds must
 4504 be based on employee residency in the energy economic zone or an
 4505 enterprise zone. A business in an energy economic zone may also
 4506 be eligible for funding under ss. 288.047 and 445.003, and a
 4507 transportation project in an energy economic zone shall be
 4508 provided priority in funding under s. 339.2821. Other projects
 4509 shall be given priority ranking to the extent practicable for
 4510 grants administered under state energy programs.

4511 Section 129. Subsections (1) and (5) of section 380.0657,
 4512 Florida Statutes, are amended to read:

4513 380.0657 Expedited permitting process for economic
 4514 development projects.—

4515 (1) The Department of Environmental Protection and, as
 4516 appropriate, the water management districts created under
 4517 chapter 373 shall adopt programs to expedite the processing of
 4518 wetland resource and environmental resource permits for economic
 4519 development projects that have been identified by a municipality
 4520 or county as meeting the definition of target industry
 4521 businesses under s. 288.005 ~~s. 288.106~~, or any intermodal
 4522 logistics center receiving or sending cargo to or from Florida
 4523 ports, with the exception of those projects requiring approval
 4524 by the Board of Trustees of the Internal Improvement Trust Fund.

4525 (5) Notwithstanding the provisions of this section, permit

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4526 applications for projects to be located in a charter county that
 4527 has a population of 1.2 million or more and has entered into a
 4528 delegation agreement with the Department of Environmental
 4529 Protection or the applicable water management district to
 4530 process environmental resource permits, wetland resource
 4531 management permits, or surface water management permits pursuant
 4532 to chapter 373 are eligible for expedited permitting under this
 4533 section only upon designation by resolution of the charter
 4534 county's governing board. Before the governing board decides
 4535 that a project is eligible for expedited permitting, it may
 4536 require the county's economic development agency, or such other
 4537 agency that provides advice to the governing board on economic
 4538 matters, to review and recommend whether the project meets the
 4539 definition of a target industry business as defined in s.
 4540 288.005 ~~s. 288.106~~ and to identify the tangible benefits and
 4541 impacts of the project. The governing board's decision shall be
 4542 made without consideration of the project's geographic location
 4543 within the charter county. If the governing board designates the
 4544 project as a target industry business, the permit application
 4545 for the project shall be approved or denied within the timeframe
 4546 provided in subsection (4).

4547 Section 130. Subsection (5) of section 403.7032, Florida
 4548 Statutes, is amended to read:

4549 403.7032 Recycling.—

4550 (5) The Department of Environmental Protection shall

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4551 create the Recycling Business Assistance Center by December 1,
 4552 2010. In carrying out its duties under this subsection, the
 4553 department shall consult with state agency personnel appointed
 4554 to serve as economic development liaisons under s. 288.021 ~~and~~
 4555 ~~seek technical assistance from Enterprise Florida, Inc.,~~ to
 4556 ensure the Recycling Business Assistance Center is positioned to
 4557 succeed. The purpose of the center shall be to serve as the
 4558 mechanism for coordination among state agencies and the private
 4559 sector in order to coordinate policy and overall strategic
 4560 planning for developing new markets and expanding and enhancing
 4561 existing markets for recyclable materials in this state, other
 4562 states, and foreign countries. The duties of the center must
 4563 include, at a minimum:

- 4564 (a) Identifying and developing new markets and expanding
 4565 and enhancing existing markets for recyclable materials.
- 4566 (b) Pursuing expanded end uses for recycled materials.
- 4567 (c) Targeting materials for concentrated market
 4568 development efforts.
- 4569 (d) Developing proposals for new incentives for market
 4570 development, particularly focusing on targeted materials.
- 4571 (e) Providing guidance on issues such as permitting,
 4572 finance options for recycling market development, site location,
 4573 research and development, grant program criteria for recycled
 4574 materials markets, recycling markets education and information,
 4575 and minimum content.

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4576 (f) Coordinating the efforts of various governmental
 4577 entities having market development responsibilities in order to
 4578 optimize supply and demand for recyclable materials.

4579 (g) Evaluating source-reduced products as they relate to
 4580 state procurement policy. The evaluation shall include, but is
 4581 not limited to, the environmental and economic impact of source-
 4582 reduced product purchases to the state. For the purposes of this
 4583 paragraph, the term "source-reduced" means any method, process,
 4584 product, or technology that significantly or substantially
 4585 reduces the volume or weight of a product while providing, at a
 4586 minimum, equivalent or generally similar performance and service
 4587 to and for the users of such materials.

4588 (h) Providing evaluation of solid waste management grants,
 4589 pursuant to s. 403.7095, to reduce the flow of solid waste to
 4590 disposal facilities and encourage the sustainable recovery of
 4591 materials from Florida's waste stream.

4592 (i) Providing below-market financing for companies that
 4593 manufacture products from recycled materials or convert
 4594 recyclable materials into raw materials for use in manufacturing
 4595 pursuant to the Florida Recycling Loan Program as administered
 4596 by the Florida First Capital Finance Corporation.

4597 (j) Maintaining a continuously updated online directory
 4598 listing the public and private entities that collect, transport,
 4599 broker, process, or remanufacture recyclable materials in the
 4600 state.

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4601 (k) Providing information on the availability and benefits
 4602 of using recycled materials to private entities and industries
 4603 in the state.

4604 (l) Distributing any materials prepared in implementing
 4605 this subsection to the public, private entities, industries,
 4606 governmental entities, or other organizations upon request.

4607 (m) Coordinating with the Department of Commerce ~~Economic~~
 4608 ~~Opportunity~~ and its partners to provide job placement and job
 4609 training services to job seekers through the state's workforce
 4610 services programs.

4611 Section 131. Paragraphs (f) through (h) of subsection (3)
 4612 and subsections (16) through (19) of section 403.973, Florida
 4613 Statutes, are redesignated as paragraphs (e) through (g) of
 4614 subsection (3) and subsections (15) through (18), respectively,
 4615 and present paragraph (e) of subsection (3), paragraph (b) of
 4616 subsection (14), and present subsections (15) and (17) of that
 4617 section are amended, to read:

4618 403.973 Expedited permitting; amendments to comprehensive
 4619 plans.—

4620 (3)

4621 ~~(e) Projects that are part of the state-of-the-art~~
 4622 ~~biomedical research institution and campus to be established in~~
 4623 ~~this state by the grantee under s. 288.955 are eligible for the~~
 4624 ~~expedited permitting process, if the projects are designated as~~
 4625 ~~part of the institution or campus by the board of county~~

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4626 ~~commissioners of the county in which the institution and campus~~
4627 ~~are established.~~

4628 (14)

4629 (b) Projects identified in paragraphs (3) (e), (f), and (g)
4630 ~~(3) (f)-(h) or challenges to state agency action in the expedited~~
4631 ~~permitting process for establishment of a state-of-the-art~~
4632 ~~biomedical research institution and campus in this state by the~~
4633 ~~grantee under s. 288.955 are subject to the same requirements as~~
4634 ~~challenges brought under paragraph (a), except that,~~
4635 ~~notwithstanding s. 120.574, summary proceedings must be~~
4636 ~~conducted within 30 days after a party files the motion for~~
4637 ~~summary hearing, regardless of whether the parties agree to the~~
4638 ~~summary proceeding.~~

4639 ~~(15) The Department of Economic Opportunity, working with~~
4640 ~~the agencies providing cooperative assistance and input~~
4641 ~~regarding the memoranda of agreement, shall review sites~~
4642 ~~proposed for the location of facilities that the Department of~~
4643 ~~Economic Opportunity has certified to be eligible for the~~
4644 ~~Innovation Incentive Program under s. 288.1089. Within 20 days~~
4645 ~~after the request for the review by the Department of Economic~~
4646 ~~Opportunity, the agencies shall provide to the Department of~~
4647 ~~Economic Opportunity a statement as to each site's necessary~~
4648 ~~permits under local, state, and federal law and an~~
4649 ~~identification of significant permitting issues, which if~~
4650 ~~unresolved, may result in the denial of an agency permit or~~

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4651 ~~approval or any significant delay caused by the permitting~~
 4652 ~~process.~~

4653 ~~(16)-(17)~~ The Department of Commerce ~~Economic Opportunity~~
 4654 shall be responsible for certifying a business as eligible for
 4655 undergoing expedited review under this section. ~~Enterprise~~
 4656 ~~Florida, Inc.,~~ A county or municipal government, or the Rural
 4657 Economic Development Initiative may recommend to the Department
 4658 of Commerce ~~Economic Opportunity~~ that a project meeting the
 4659 minimum job creation threshold undergo expedited review.

4660 Section 132. Paragraph (c) of subsection (1) of section
 4661 443.091, Florida Statutes, is amended to read:

4662 443.091 Benefit eligibility conditions.—

4663 (1) An unemployed individual is eligible to receive
 4664 benefits for any week only if the Department of Commerce
 4665 ~~Economic Opportunity~~ finds that:

4666 (c) To make continued claims for benefits, she or he is
 4667 reporting to the department in accordance with this paragraph
 4668 and department rules. Department rules may not conflict with s.
 4669 443.111(1)(b), which requires that each claimant continue to
 4670 report regardless of any pending appeal relating to her or his
 4671 eligibility or disqualification for benefits.

4672 1. For each week of unemployment claimed, each report
 4673 must, at a minimum, include the name and address of each
 4674 prospective employer contacted, or the date the claimant
 4675 reported to a one-stop career center, pursuant to paragraph (d).

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4676 For the purposes of this subparagraph, the term "address" means
 4677 a website address, a physical address, or an e-mail address.

4678 2. The department shall offer an online assessment aimed
 4679 at identifying an individual's skills, abilities, and career
 4680 aptitude. The skills assessment must be voluntary, and the
 4681 department shall allow a claimant to choose whether to take the
 4682 skills assessment. The online assessment shall be made available
 4683 to any person seeking services from a local workforce
 4684 development board or a one-stop career center.

4685 a. If the claimant chooses to take the online assessment,
 4686 the outcome of the assessment shall be made available to the
 4687 claimant, local workforce development board, and one-stop career
 4688 center. The department, local workforce development board, or
 4689 one-stop career center shall use the assessment to develop a
 4690 plan for referring individuals to training and employment
 4691 opportunities. Aggregate data on assessment outcomes may be made
 4692 available to CareerSource Florida, Inc., ~~and Enterprise Florida,~~
 4693 ~~Inc.,~~ for use in the development of policies related to
 4694 education and training programs that will ensure that businesses
 4695 in this state have access to a skilled and competent workforce.

4696 b. Individuals shall be informed of and offered services
 4697 through the one-stop delivery system, including career
 4698 counseling, the provision of skill match and job market
 4699 information, and skills upgrade and other training
 4700 opportunities, and shall be encouraged to participate in such

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4701 services at no cost to the individuals. The department shall
 4702 coordinate with CareerSource Florida, Inc., the local workforce
 4703 development boards, and the one-stop career centers to identify,
 4704 develop, and use best practices for improving the skills of
 4705 individuals who choose to participate in skills upgrade and
 4706 other training opportunities. The department may contract with
 4707 an entity to create the online assessment in accordance with the
 4708 competitive bidding requirements in s. 287.057. The online
 4709 assessment must work seamlessly with the Reemployment Assistance
 4710 Claims and Benefits Information System.

4711 Section 133. Paragraph (h) of subsection (1) of section
 4712 443.191, Florida Statutes, is amended to read:

4713 443.191 Unemployment Compensation Trust Fund;
 4714 establishment and control.—

4715 (1) There is established, as a separate trust fund apart
 4716 from all other public funds of this state, an Unemployment
 4717 Compensation Trust Fund, which shall be administered by the
 4718 Department of Commerce ~~Economic Opportunity~~ exclusively for the
 4719 purposes of this chapter. The fund must consist of:

4720 (h) All money deposited in this account as a distribution
 4721 pursuant to s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.g.~~

4722
 4723 Except as otherwise provided in s. 443.1313(4), all moneys in
 4724 the fund must be mingled and undivided.

4725 Section 134. Paragraph (d) of subsection (3), paragraph

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4726 (b) of subsection (5), and paragraph (a) of subsection (6) of
 4727 section 445.004, Florida Statutes, are amended to read:

4728 445.004 CareerSource Florida, Inc., and the state board;
 4729 creation; purpose; membership; duties and powers.—

4730 (3)

4731 (d) The state board must include the Secretary of Commerce
 4732 ~~Economic Opportunity~~ or his or her designee, ~~the vice~~
 4733 ~~chairperson of the board of directors of Enterprise Florida,~~
 4734 ~~Inc.,~~ and one member representing each of the Workforce
 4735 Innovation and Opportunity Act partners, including the Division
 4736 of Career and Adult Education, the Division of Vocational
 4737 Rehabilitation, the Division of Blind Services, the Department
 4738 of Children and Families, and other entities representing
 4739 programs identified in the Workforce Innovation and Opportunity
 4740 Act, as determined necessary.

4741 (5) The state board has all the powers and authority not
 4742 explicitly prohibited by statute which are necessary or
 4743 convenient to carry out and effectuate its purposes as
 4744 determined by statute, Pub. L. No. 113-128, and the Governor, as
 4745 well as its functions, duties, and responsibilities, including,
 4746 but not limited to, the following:

4747 (b) Providing policy direction to ensure that the
 4748 following programs are administered by the department consistent
 4749 with approved plans:

4750 1. Programs authorized under Title I of the Workforce

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4751 Innovation and Opportunity Act, Pub. L. No. 113-128, with the
 4752 exception of programs funded directly by the United States
 4753 Department of Labor under Title I, s. 167.

4754 2. Programs authorized under the Wagner-Peyser Act of
 4755 1933, as amended, 29 U.S.C. ss. 49 et seq.

4756 3. Activities authorized under Title II of the Trade Act
 4757 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
 4758 Adjustment Assistance Program.

4759 4. Activities authorized under 38 U.S.C. chapter 41,
 4760 including job counseling, training, and placement for veterans.

4761 5. Employment and training activities carried out under
 4762 funds awarded to this state by the United States Department of
 4763 Housing and Urban Development.

4764 6. Welfare transition services funded by the Temporary
 4765 Assistance for Needy Families Program, created under the
 4766 Personal Responsibility and Work Opportunity Reconciliation Act
 4767 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
 4768 of the Social Security Act, as amended.

4769 7. The Florida Bonding Program, provided under Pub. L. No.
 4770 97-300, s. 164(a)(1).

4771 8. The Food Assistance Employment and Training Program,
 4772 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
 4773 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
 4774 the Hunger Prevention Act, Pub. L. No. 100-435; and the
 4775 Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

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4776 9. The Quick-Response Training Program, provided under ss.
 4777 288.046-288.047. ~~Matching funds and in-kind contributions that~~
 4778 ~~are provided by clients of the Quick-Response Training Program~~
 4779 ~~count toward the requirements of s. 288.904, pertaining to the~~
 4780 ~~return on investment from activities of Enterprise Florida, Inc.~~

4781 10. The Work Opportunity Tax Credit, provided under the
 4782 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
 4783 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

4784 11. Offender placement services, provided under ss.
 4785 944.707-944.708.

4786 (6) The state board shall achieve the purposes of this
 4787 section by:

4788 (a) Creating a state employment, education, and training
 4789 policy that ensures workforce related programs are responsive to
 4790 present and future business and industry needs ~~and complement~~
 4791 ~~the initiatives of Enterprise Florida, Inc.~~

4792 Section 135. Subsection (5) of section 445.045, Florida
 4793 Statutes, is amended to read:

4794 445.045 Development of an Internet-based system for
 4795 information technology industry promotion and workforce
 4796 recruitment.-

4797 (5) In furtherance of the requirements of this section
 4798 that the website promote and market the information technology
 4799 industry by communicating information on the scope of the
 4800 industry in this state, CareerSource Florida, Inc., shall

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4801 ~~coordinate its efforts with the high-technology industry~~
4802 ~~marketing efforts of Enterprise Florida, Inc., under s. 288.911.~~
4803 ~~Through links or actual content, the website developed under~~
4804 ~~this section shall serve as a forum for distributing the~~
4805 ~~marketing campaign developed by Enterprise Florida, Inc., under~~
4806 ~~s. 288.911. In addition, CareerSource Florida, Inc., shall~~
4807 solicit input from the not-for-profit corporation created to
4808 advocate on behalf of the information technology industry as an
4809 outgrowth of the Information Service Technology Development Task
4810 Force created under chapter 99-354, Laws of Florida.

4811 Section 136. Subsections (2) and (5) of section 446.44,
4812 Florida Statutes, are amended to read:

4813 446.44 Duties of Rural Workforce Services Program.—It
4814 shall be the direct responsibility of the Rural Workforce
4815 Services Program to promote and deliver employment and workforce
4816 services and resources to the rural undeveloped and
4817 underdeveloped counties of the state in an effort to:

4818 ~~(2) Assist Enterprise Florida, Inc., in attracting light,~~
4819 ~~pollution-free industry to the rural counties.~~

4820 (4)~~(5)~~ Develop rural workforce programs that will be
4821 evaluated, planned, and implemented through communications and
4822 planning with appropriate:

4823 (a) Departments of state and federal governments.

4824 ~~(b) Units of Enterprise Florida, Inc.~~

4825 (b)~~(c)~~ Agencies and organizations of the public and

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4826 private sectors at the state, regional, and local levels.

4827 Section 137. Subsection (5) of section 477.0135, Florida
4828 Statutes, is amended to read:

4829 477.0135 Exemptions.—

4830 (5) A license is not required of any individual providing
4831 makeup, special effects, or cosmetology services to an actor,
4832 stunt person, musician, extra, or other talent during a
4833 theatrical, film, or other entertainment production ~~recognized~~
4834 ~~by the Office of Film and Entertainment as a qualified~~
4835 ~~production as defined in s. 288.1254(1)~~. Such services are not
4836 required to be performed in a licensed salon. Individuals exempt
4837 under this subsection may not provide such services to the
4838 general public.

4839 Section 138. Subsection (1) of section 570.81, Florida
4840 Statutes, is amended to read:

4841 570.81 Agricultural Economic Development Project Review
4842 Committee; powers and duties.—

4843 (1) There is created an Agricultural Economic Development
4844 Project Review Committee consisting of five members appointed by
4845 the commissioner. The members shall be appointed based upon the
4846 recommendations submitted by each entity represented on the
4847 committee and shall include:

- 4848 (a) The commissioner or the commissioner's designee.
- 4849 (b) One representative from the Farm Credit Service.
- 4850 (c) One representative from the Department of Commerce

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4851 ~~Enterprise Florida, Inc.~~

4852 (d) One representative from the Florida Farm Bureau
4853 Federation.

4854 (e) One agricultural economist from the Institute of Food
4855 and Agricultural Sciences or from Florida Agricultural and
4856 Mechanical University.

4857 Section 139. Subsection (2) of section 570.85, Florida
4858 Statutes, is amended to read:

4859 570.85 Agritourism.—

4860 (2) The Department of Agriculture and Consumer Services
4861 may provide marketing advice, technical expertise, promotional
4862 support, and product development related to agritourism to
4863 assist the following in their agritourism initiatives: Florida
4864 Tourism Industry Marketing Corporation, ~~Enterprise Florida,~~
4865 ~~Inc.~~; convention and visitor bureaus, ; tourist development
4866 councils, ; economic development organizations, ; and local
4867 governments. In carrying out this responsibility, the department
4868 shall focus its agritourism efforts on rural and urban
4869 communities.

4870 Section 140. Section 625.3255, Florida Statutes, is
4871 amended to read:

4872 625.3255 Capital participation instrument.—An insurer may
4873 invest in any capital participation instrument or evidence of
4874 indebtedness issued by the Department of Commerce ~~Enterprise~~
4875 ~~Florida, Inc.~~, pursuant to the Florida Small and Minority

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4876 Business Assistance Act.

4877 Section 141. Paragraph (b) of subsection (4) of section
4878 657.042, Florida Statutes, is amended to read:

4879 657.042 Investment powers and limitations.—A credit union
4880 may invest its funds subject to the following definitions,
4881 restrictions, and limitations:

4882 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
4883 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
4884 the credit union may be invested in any of the following:

4885 (b) Any capital participation instrument or evidence of
4886 indebtedness issued by the Department of Commerce Enterprise
4887 ~~Florida, Inc.~~, pursuant to the Florida Small and Minority
4888 Business Assistance Act.

4889 Section 142. Paragraph (f) of subsection (4) of section
4890 658.67, Florida Statutes, is amended to read:

4891 658.67 Investment powers and limitations.—A bank may
4892 invest its funds, and a trust company may invest its corporate
4893 funds, subject to the following definitions, restrictions, and
4894 limitations:

4895 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
4896 LESS OF CAPITAL ACCOUNTS.—

4897 (f) Up to 10 percent of the capital accounts of a bank or
4898 trust company may be invested in any capital participation
4899 instrument or evidence of indebtedness issued by the Department
4900 of Commerce Enterprise ~~Florida, Inc.~~, pursuant to the Florida

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4901 Small and Minority Business Assistance Act.

4902 Section 143. Paragraph (e) of subsection (2) of section

4903 1004.015, Florida Statutes, is amended to read:

4904 1004.015 Florida Talent Development Council.—

4905 (2) Members of the council shall include:

4906 ~~(e) The president of Enterprise Florida, Inc.~~

4907 Section 144. Paragraph (d) of subsection (5) of section

4908 1004.65, Florida Statutes, is amended to read:

4909 1004.65 Florida College System institutions; governance,

4910 mission, and responsibilities.—

4911 (5) The primary mission and responsibility of Florida

4912 College System institutions is responding to community needs for

4913 postsecondary academic education and career degree education.

4914 This mission and responsibility includes being responsible for:

4915 (d) Promoting economic development for the state within

4916 each Florida College System institution district through the

4917 provision of special programs, including, but not limited to,

4918 the:

4919 1. ~~Enterprise Florida-related programs.~~

4920 ~~2.~~ Technology transfer centers.

4921 2.3. Economic development centers.

4922 3.4. Workforce literacy programs.

4923 Section 145. Paragraph (b) of subsection (10) of section

4924 1004.78, Florida Statutes, is amended to read:

4925 1004.78 Technology transfer centers at Florida College

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4926 System institutions.—

4927 (10) The State Board of Education may award grants to
 4928 Florida College System institutions, or consortia of public and
 4929 private colleges and universities and other public and private
 4930 entities, for the purpose of supporting the objectives of this
 4931 section. Grants awarded pursuant to this subsection shall be in
 4932 accordance with rules of the State Board of Education. Such
 4933 rules shall include the following provisions:

4934 (b) Grants to centers funded with state revenues
 4935 appropriated specifically for technology transfer activities
 4936 shall be reviewed and approved by the State Board of Education
 4937 using proposal solicitation, evaluation, and selection
 4938 procedures established by the state board in consultation with
 4939 the Department of Commerce ~~Enterprise Florida, Inc.~~ Such
 4940 procedures may include designation of specific areas or
 4941 applications of technology as priorities for the receipt of
 4942 funding.

4943 Section 146. Subsection (4) of section 1011.76, Florida
 4944 Statutes, is amended to read:

4945 1011.76 Small School District Stabilization Program.—

4946 (4) The Department of Education may award the school
 4947 district a stabilization grant intended to protect the district
 4948 from continued financial reductions. The amount of the grant
 4949 will be determined by the Department of Education and may be
 4950 equivalent to the amount of the decline in revenues projected

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4951 for the next fiscal year. In addition, the Department of
 4952 ~~Commerce Economic Opportunity~~ may implement a rural economic
 4953 development initiative to identify the economic factors that are
 4954 negatively impacting the community to develop ~~and may consult~~
 4955 ~~with Enterprise Florida, Inc., in developing~~ a plan to assist
 4956 the county with its economic transition. The grant will be
 4957 available to the school district for a period of up to 5 years
 4958 to the extent that funding is provided for such purpose in the
 4959 General Appropriations Act.

4960 Section 147. (1) The Division of Law Revision is directed
 4961 to prepare a reviser's bill for the 2024 Regular Session of the
 4962 Legislature to change the terms "Department of Economic
 4963 Opportunity" and "Secretary of Economic Opportunity" to
 4964 "Department of Commerce" and "Secretary of Commerce,"
 4965 respectively, wherever the terms appear in the Florida Statutes
 4966 and to make such further changes as are necessary to conform the
 4967 Florida Statutes to the organizational changes effected by this
 4968 act.

4969 (2) It is the intent of the Legislature that, until the
 4970 reviser's bill prepared pursuant to subsection (1) becomes a
 4971 law, the terms "Department of Economic Opportunity" and
 4972 "Secretary of Economic Opportunity" shall be interpreted to mean
 4973 "Department of Commerce" and "Secretary of Commerce,"
 4974 respectively, wherever the terms appear in the Florida Statutes.

4975 Section 148. This act shall take effect July 1, 2023.