

1 A bill to be entitled  
2 An act relating to economic development; amending s.  
3 202.11, F.S.; revising the definition of "prepaid  
4 calling arrangement"; providing for retroactive  
5 applicability and construction; amending s. 203.01,  
6 F.S.; imposing an additional rate on gross receipts  
7 for electrical power or energy; revising exemptions  
8 from the tax on gross receipts for utility and  
9 communications services; providing exemptions from the  
10 additional tax on gross receipts from electrical power  
11 or energy; requiring the additional tax to be excluded  
12 from the taxable base on which gross receipts are  
13 calculated under certain circumstances; amending s.  
14 212.05, F.S.; revising the definition of "prepaid  
15 calling arrangement" to clarify and update which  
16 services are included under the definition and subject  
17 to sales tax; reducing the sales tax rate for charges  
18 for electrical power or energy; providing for  
19 retroactive applicability and construction; amending  
20 s. 212.08, F.S.; extending the expiration date  
21 applicable to the granting of community contribution  
22 tax credits against the sales and use tax for  
23 contributions to eligible sponsors of community  
24 projects approved by the Department of Economic  
25 Opportunity; revising a provision exempting certain  
26 machinery and equipment from the sales and use tax to

27 exempt certain mixer drums and parts and labor  
 28 required to affix certain mixer drums to mixer trucks  
 29 from the sales and use tax; exempting sales of child  
 30 restraint systems and booster seats for use in motor  
 31 vehicles and youth bicycle helmets from the sales and  
 32 use tax; amending s. 212.12, F.S.; conforming a  
 33 provision to a change made by the act; amending s.  
 34 212.20, F.S.; requiring the Department of Revenue to  
 35 distribute funds to the State Transportation Trust  
 36 Fund for strategic and regionally significant  
 37 transportation projects; amending s. 220.14, F.S.;  
 38 increasing the amount of income that is exempt from  
 39 the corporate income tax; providing applicability;  
 40 amending s. 220.183, F.S.; extending the expiration  
 41 date applicable to the granting of community  
 42 contribution tax credits against the corporate income  
 43 tax for contributions to eligible sponsors of  
 44 community projects approved by the Department of  
 45 Economic Opportunity; amending s. 220.63, F.S.;  
 46 increasing the amount of income that is exempt from  
 47 the franchise tax imposed on banks and savings  
 48 associations; providing applicability; creating s.  
 49 288.127, F.S.; providing definitions; providing a  
 50 purpose; creating the Qualified Television Loan Fund;  
 51 requiring the Department of Economic Opportunity to  
 52 contract with a fund administrator; providing fund

53 administrator qualifications; providing for the fund  
54 administrator's compensation and removal; specifying  
55 the fund administrator powers and duties; providing  
56 the structure of the loans; providing qualified  
57 television content criteria; requiring the Auditor  
58 General to conduct an operational audit of the fund  
59 and the fund administrator; authorizing the department  
60 to adopt rules; providing for expiration of the act;  
61 providing emergency rulemaking authority; amending s.  
62 288.9914, F.S.; revising limits on tax credits that  
63 may be approved by the Department of Economic  
64 Opportunity under the New Markets Development Program;  
65 creating s. 339.0803, F.S.; requiring a specified  
66 amount of funds deposited into the State  
67 Transportation Trust Fund to be used annually for  
68 strategic and regionally significant transportation  
69 projects; amending s. 624.5105, F.S.; extending the  
70 expiration date applicable to the granting of  
71 community contribution tax credits against the  
72 insurance premium tax for contributions to eligible  
73 sponsors of community projects approved by the  
74 Department of Economic Opportunity; providing for a  
75 sales tax holiday for certain Energy Star and  
76 WaterSense products; providing restrictions; providing  
77 definitions; authorizing the Department of Revenue to  
78 adopt emergency rules; providing that the admissions

79 tax may not be levied on the sale of athletic,  
 80 exercise, and physical fitness facility memberships by  
 81 certain health studios during a specified period;  
 82 authorizing the Department of Revenue to adopt  
 83 emergency rules; specifying a period during which the  
 84 sale of clothing, wallets, bags, school supplies,  
 85 personal computers, and personal computer-related  
 86 accessories are exempt from the sales tax; providing  
 87 definitions; providing exceptions; authorizing the  
 88 Department of Revenue to adopt emergency rules;  
 89 providing an exemption from the sales and use tax for  
 90 sales during a specified period of certain tangible  
 91 personal property related to hurricane preparedness;  
 92 authorizing the Department of Revenue to adopt  
 93 emergency rules; providing appropriations; providing  
 94 an effective date.

95  
 96 Be It Enacted by the Legislature of the State of Florida:

97  
 98 Section 1. Subsection (9) of section 202.11, Florida  
 99 Statutes, is amended to read:

100 202.11 Definitions.—As used in this chapter, the term:

101 (9) "Prepaid calling arrangement" means: the ~~separately~~  
 102 ~~stated retail sale by advance payment of~~

103 (a) A right to use communications services, other than  
 104 mobile communications services, for which a separately stated

105 price must be paid in advance, which is sold at retail in  
 106 predetermined units that decline in number with use on a  
 107 predetermined basis, and which ~~that~~ consist exclusively of  
 108 telephone calls originated by using an access number,  
 109 authorization code, or other means that may be manually,  
 110 electronically, or otherwise entered; or ~~and that are sold in~~  
 111 ~~predetermined units or dollars of which the number declines with~~  
 112 ~~use in a known amount.~~

113 (b) A right to use mobile communications services that  
 114 must be paid for in advance and is sold at retail in  
 115 predetermined units that expire or decline in number on a  
 116 predetermined basis if:

117 1. The purchaser's right to use mobile communications  
 118 services terminates upon all purchased units expiring or being  
 119 exhausted unless the purchaser pays for additional units;

120 2. The purchaser is not required to purchase additional  
 121 units; and

122 3. Any right of the purchaser to use units to obtain  
 123 communications services other than mobile communications  
 124 services is limited to services that are provided to or through  
 125 the same handset or other electronic device that is used by the  
 126 purchaser to access mobile communications services.

127  
 128 Predetermined units described in this subsection may be  
 129 quantified as amounts of usage, time, money, or a combination of  
 130 these or other means of measurement.

131           Section 2. The amendments made by this act to s. 202.11,  
 132 Florida Statutes, are intended to be remedial in nature and  
 133 apply retroactively, but do not provide a basis for an  
 134 assessment of any tax not paid or create a right to a refund or  
 135 credit of any tax paid before the effective date of this act.

136           Section 3. Subsections (5) through (9) of section 203.01,  
 137 Florida Statutes, are renumbered as subsections (6) through  
 138 (10), respectively, paragraph (b) of subsection (1), subsection  
 139 (3), and present subsections (4) and (8) are amended, and a new  
 140 subsection (4) is added to that section, to read:

141           203.01 Tax on gross receipts for utility and  
 142 communications services.—

143           (1)

144           (b)1. The rate applied to utility services shall be 2.5  
 145 percent.

146           2. The rate applied to communications services shall be  
 147 2.37 percent.

148           3. There shall be an additional rate of 0.15 percent  
 149 applied to communication services subject to the tax levied  
 150 pursuant to s. 202.12(1)(a), (c), and (d). The exemption  
 151 provided in s. 202.125(1) applies to the tax levied pursuant to  
 152 this subparagraph.

153           4. There shall be an additional rate of 3 percent applied  
 154 to the gross receipts for electrical power or energy delivered  
 155 to a retail consumer in this state. Notwithstanding s. 203.0111,  
 156 any increase in the gross receipts tax provided by this

157 subparagraph applies to charges for electrical power or energy  
 158 on any bill dated on or after the date upon which the increase  
 159 takes effect.

160 (3) The tax imposed by subparagraph (1) (b)1. ~~subsection~~  
 161 ~~(1)~~ does not apply to:

162 (a)1. The sale or transportation of natural gas or  
 163 manufactured gas to a public or private utility, including a  
 164 municipal corporation or rural electric cooperative association,  
 165 either for resale or for use as fuel in the generation of  
 166 electricity; or

167 2. The sale or delivery of electricity to a public or  
 168 private utility, including a municipal corporation or rural  
 169 electric cooperative association, for resale, or as part of an  
 170 electrical interchange agreement or contract between such  
 171 utilities for the purpose of transferring more economically  
 172 generated power,†

173  
 174 if provided the person deriving gross receipts from such sale  
 175 demonstrates that a sale, transportation, or delivery for resale  
 176 in fact occurred and complies with the following requirements: A  
 177 sale, transportation, or delivery for resale must be in strict  
 178 compliance with the rules and regulations of the Department of  
 179 Revenue; and any sale subject to the tax imposed by this section  
 180 which is not in strict compliance with the rules and regulations  
 181 of the Department of Revenue shall be subject to the tax at the  
 182 appropriate rate imposed on utilities by paragraph (b) on the

183 person making the sale. Any person making a sale for resale may,  
 184 through an informal protest provided for in s. 213.21 and the  
 185 rules of the Department of Revenue, provide the department with  
 186 evidence of the exempt status of a sale. The department shall  
 187 adopt rules that provide that valid proof and documentation of  
 188 the resale by a person making the sale for resale will be  
 189 accepted by the department when submitted during the protest  
 190 period but will not be accepted when submitted in any proceeding  
 191 under chapter 120 or any circuit court action instituted under  
 192 chapter 72;

193 (b) Wholesale sales of electric transmission service;

194 (c) The use of natural gas in the production of oil or  
 195 gas, or the use of natural or manufactured gas by a person  
 196 transporting natural or manufactured gas, when used and consumed  
 197 in providing such services; or

198 (d) The sale or transportation ~~to, or use of,~~ natural gas  
 199 or manufactured gas to, or the use of natural gas or  
 200 manufactured gas by, a person eligible for an exemption under s.  
 201 212.08(7)(ff)2. for use as an energy source or a raw material.  
 202 Possession by a seller of natural or manufactured gas or by any  
 203 person providing transportation or delivery of natural or  
 204 manufactured gas of a written certification by the purchaser,  
 205 certifying the purchaser's entitlement to the exclusion  
 206 permitted by this paragraph, relieves the seller or person  
 207 providing transportation or delivery from the responsibility of  
 208 remitting tax on the nontaxable amounts, and the department



209 shall look solely to the purchaser for recovery of such tax if  
 210 the department determines that the purchaser was not entitled to  
 211 the exclusion. The certification must include an acknowledgment  
 212 by the purchaser that it will be liable for tax pursuant to  
 213 paragraph (1) (f) if the requirements for exclusion are not met.

214 (4) The additional rate imposed by subparagraph (1) (b) 4.  
 215 does not apply to:

216 (a) The sale of electrical power or energy to a person  
 217 eligible for an exemption under s. 212.08(7) (ff) for use in  
 218 operating machinery and equipment at a fixed location in this  
 219 state;

220 (b) The sale or transportation of electrical power or  
 221 energy to, or the use of electrical power or energy by, a person  
 222 eligible for an exemption under s. 212.08(5) (e) for certain  
 223 agricultural purposes;

224 (c) The sale or transportation of electrical power or  
 225 energy to, or the use of electrical power or energy by, a person  
 226 eligible for an exemption under s. 212.08(7) (j) for use as a  
 227 household fuel;

228 (d) The sale or transportation of electrical power or  
 229 energy to, or the use of electrical power or energy by, a person  
 230 eligible for an exemption under s. 212.08(15) (a) for use in an  
 231 enterprise zone;

232 (e) The sale or transportation of electrical power or  
 233 energy to, or the use of electrical power or energy by, a person  
 234 who holds a valid Consumer's Certificate of Exemption issued by

235 the Department of Revenue;

236 (f) The sale or transportation of electrical power or  
 237 energy to, or the use of electrical power or energy by, foreign  
 238 diplomats and consular personnel who hold a tax exemption card  
 239 issued by the United States Department of State; or

240 (g) The sale or transportation of electrical power or  
 241 energy to, or the use of electrical power or energy by, the  
 242 Federal Government or any federal department, commission,  
 243 agency, or other instrumentality thereof.

244 (5)-(4) The taxes tax imposed pursuant to this chapter  
 245 relating to the provision of any utility services at the option  
 246 of the person supplying the taxable services may be separately  
 247 stated as Florida gross receipts taxes tax on the total amount  
 248 of any bill, invoice, or other tangible evidence of the  
 249 provision of such taxable services and may be added as a  
 250 component part of the total charge. Whenever a provider of  
 251 taxable services elects to separately state such taxes tax as a  
 252 component of the charge for the provision of such taxable  
 253 services, every person, including all governmental units, shall  
 254 remit the taxes tax to the person who provides such taxable  
 255 services as a part of the total bill, and the taxes are tax is a  
 256 component part of the debt of the purchaser to the person who  
 257 provides such taxable services until paid and, if unpaid, are is  
 258 recoverable at law in the same manner as any other part of the  
 259 charge for such taxable services. If a utility provider elects  
 260 to separately state the additional rate imposed by subparagraph

261 (1)(b)4. on any bill, invoice, or other tangible evidence of the  
 262 provision of such taxable service, the additional tax shall not  
 263 be included as part of the taxable base on which the gross  
 264 receipts tax is calculated. For a utility, the decision to  
 265 separately state any increase in the rate of tax imposed by this  
 266 chapter which is effective after December 31, 1989, and the  
 267 ability to recover the increased charge from the customer shall  
 268 not be subject to regulatory approval.

269 (9)(8) Notwithstanding ~~the provisions of~~ subsection (5)  
 270 ~~(4)~~ and s. 212.07(2), sums that were charged or billed as taxes  
 271 under this section and chapter 212 and that were remitted to the  
 272 state in full as taxes shall not be subject to refund by the  
 273 state or by the utility or other person that remitted the sums,  
 274 when the amount remitted was not in excess of the amount of tax  
 275 imposed by chapter 212 and this section.

276 Section 4. Paragraph (e) of section (1) of section 212.05,  
 277 Florida Statutes, is amended to read:

278 212.05 Sales, storage, use tax.—It is hereby declared to  
 279 be the legislative intent that every person is exercising a  
 280 taxable privilege who engages in the business of selling  
 281 tangible personal property at retail in this state, including  
 282 the business of making mail order sales, or who rents or  
 283 furnishes any of the things or services taxable under this  
 284 chapter, or who stores for use or consumption in this state any  
 285 item or article of tangible personal property as defined herein  
 286 and who leases or rents such property within the state.

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

290 (e)1. At the rate of 6 percent on charges for:

291 a. Prepaid calling arrangements. The tax on charges for  
 292 prepaid calling arrangements shall be collected at the time of  
 293 sale and remitted by the selling dealer.

294 (I) "Prepaid calling arrangement" has the same meaning as  
 295 provided in s. 202.11 ~~means the separately stated retail sale by~~  
 296 ~~advance payment of communications services that consist~~  
 297 ~~exclusively of telephone calls originated by using an access~~  
 298 ~~number, authorization code, or other means that may be manually,~~  
 299 ~~electronically, or otherwise entered and that are sold in~~  
 300 ~~predetermined units or dollars whose number declines with use in~~  
 301 ~~a known amount.~~

302 (II) If the sale or recharge of the prepaid calling  
 303 arrangement does not take place at the dealer's place of  
 304 business, it shall be deemed to have taken ~~take~~ place at the  
 305 customer's shipping address or, if no item is shipped, at the  
 306 customer's address or the location associated with the  
 307 customer's mobile telephone number.

308 (III) The sale or recharge of a prepaid calling  
 309 arrangement shall be treated as a sale of tangible personal  
 310 property for purposes of this chapter, whether or not a tangible  
 311 item evidencing such arrangement is furnished to the purchaser,  
 312 and such sale within this state subjects the selling dealer to

313 the jurisdiction of this state for purposes of this subsection.

314 (IV) No additional tax under this chapter or chapter 202  
 315 is due or payable if a purchaser of a prepaid calling  
 316 arrangement, who has paid tax under this chapter on the sale or  
 317 recharge of such arrangement, applies one or more units of the  
 318 prepaid calling arrangement to obtain communications services as  
 319 described in s. 202.11(9)(b)3., other services that are not  
 320 communications services, or products.

321 b. The installation of telecommunication and telegraphic  
 322 equipment.

323 c. Electrical power or energy, except that the tax rate  
 324 for charges for electrical power or energy is 4 7 percent.

325 2. The provisions of s. 212.17(3)~~7~~ regarding credit for  
 326 tax paid on charges subsequently found to be worthless are~~7~~  
 327 ~~shall be~~ equally applicable to any tax paid under ~~the provisions~~  
 328 ~~of~~ this section on charges for prepaid calling arrangements,  
 329 telecommunication or telegraph services, or electric power  
 330 subsequently found to be uncollectible. The term ~~word~~ "charges"  
 331 under ~~in~~ this paragraph does not include any excise or similar  
 332 tax levied by the Federal Government, any political subdivision  
 333 of this ~~the~~ state, or any municipality upon the purchase, sale,  
 334 or recharge of prepaid calling arrangements or upon the purchase  
 335 or sale of telecommunication, television system program, or  
 336 telegraph service or electric power, which tax is collected by  
 337 the seller from the purchaser.

338 Section 5. The amendments made by this act to s.

339 212.05(1)(e)1.a., Florida Statutes, are intended to be remedial  
 340 in nature and apply retroactively, but do not provide a basis  
 341 for an assessment of any tax not paid or create a right to a  
 342 refund or credit of any tax paid before the effective date of  
 343 this act.

344 Section 6. Paragraph (p) of subsection (5) of section  
 345 212.08, Florida Statutes, is amended, paragraph (kkk) of  
 346 subsection (7), as created by chapter 2013-39, Laws of Florida,  
 347 is amended, and paragraph (lll) is added to subsection (7) of  
 348 that section, to read:

349 212.08 Sales, rental, use, consumption, distribution, and  
 350 storage tax; specified exemptions.—The sale at retail, the  
 351 rental, the use, the consumption, the distribution, and the  
 352 storage to be used or consumed in this state of the following  
 353 are hereby specifically exempt from the tax imposed by this  
 354 chapter.

355 (5) EXEMPTIONS; ACCOUNT OF USE.—

356 (p) Community contribution tax credit for donations.—

357 1. Authorization.—Persons who are registered with the  
 358 department under s. 212.18 to collect or remit sales or use tax  
 359 and who make donations to eligible sponsors are eligible for tax  
 360 credits against their state sales and use tax liabilities as  
 361 provided in this paragraph:

362 a. The credit shall be computed as 50 percent of the  
 363 person's approved annual community contribution.

364 b. The credit shall be granted as a refund against state

365 sales and use taxes reported on returns and remitted in the 12  
 366 months preceding the date of application to the department for  
 367 the credit as required in sub-subparagraph 3.c. If the annual  
 368 credit is not fully used through such refund because of  
 369 insufficient tax payments during the applicable 12-month period,  
 370 the unused amount may be included in an application for a refund  
 371 made pursuant to sub-subparagraph 3.c. in subsequent years  
 372 against the total tax payments made for such year. Carryover  
 373 credits may be applied for a 3-year period without regard to any  
 374 time limitation that would otherwise apply under s. 215.26.

375 c. A person may not receive more than \$200,000 in annual  
 376 tax credits for all approved community contributions made in any  
 377 one year.

378 d. All proposals for the granting of the tax credit  
 379 require the prior approval of the Department of Economic  
 380 Opportunity.

381 e. The total amount of tax credits which may be granted  
 382 for all programs approved under this paragraph, s. 220.183, and  
 383 s. 624.5105 is \$10.5 million annually for projects that provide  
 384 homeownership opportunities for low-income or very-low-income  
 385 households as defined in s. 420.9071(19) and (28) and \$3.5  
 386 million annually for all other projects.

387 f. A person who is eligible to receive the credit provided  
 388 for in this paragraph, s. 220.183, or s. 624.5105 may receive  
 389 the credit only under the one section of the person's choice.

390 2. Eligibility requirements.—

391 a. A community contribution by a person must be in the  
 392 following form:

393 (I) Cash or other liquid assets;

394 (II) Real property;

395 (III) Goods or inventory; or

396 (IV) Other physical resources as identified by the  
 397 Department of Economic Opportunity.

398 b. All community contributions must be reserved  
 399 exclusively for use in a project. As used in this sub-  
 400 subparagraph, the term "project" means any activity undertaken  
 401 by an eligible sponsor which is designed to construct, improve,  
 402 or substantially rehabilitate housing that is affordable to low-  
 403 income or very-low-income households as defined in s.  
 404 420.9071(19) and (28); designed to provide commercial,  
 405 industrial, or public resources and facilities; or designed to  
 406 improve entrepreneurial and job-development opportunities for  
 407 low-income persons. A project may be the investment necessary to  
 408 increase access to high-speed broadband capability in rural  
 409 communities with enterprise zones, including projects that  
 410 result in improvements to communications assets that are owned  
 411 by a business. A project may include the provision of museum  
 412 educational programs and materials that are directly related to  
 413 any project approved between January 1, 1996, and December 31,  
 414 1999, and located in an enterprise zone designated pursuant to  
 415 s. 290.0065. This paragraph does not preclude projects that  
 416 propose to construct or rehabilitate housing for low-income or



417 very-low-income households on scattered sites. With respect to  
 418 housing, contributions may be used to pay the following eligible  
 419 low-income and very-low-income housing-related activities:

420 (I) Project development impact and management fees for  
 421 low-income or very-low-income housing projects;

422 (II) Down payment and closing costs for eligible persons,  
 423 as defined in s. 420.9071(19) and (28);

424 (III) Administrative costs, including housing counseling  
 425 and marketing fees, not to exceed 10 percent of the community  
 426 contribution, directly related to low-income or very-low-income  
 427 projects; and

428 (IV) Removal of liens recorded against residential  
 429 property by municipal, county, or special district local  
 430 governments when satisfaction of the lien is a necessary  
 431 precedent to the transfer of the property to an eligible person,  
 432 as defined in s. 420.9071(19) and (28), for the purpose of  
 433 promoting home ownership. Contributions for lien removal must be  
 434 received from a nonrelated third party.

435 c. The project must be undertaken by an "eligible  
 436 sponsor," which includes:

437 (I) A community action program;

438 (II) A nonprofit community-based development organization  
 439 whose mission is the provision of housing for low-income or  
 440 very-low-income households or increasing entrepreneurial and  
 441 job-development opportunities for low-income persons;

442 (III) A neighborhood housing services corporation;

- 443 (IV) A local housing authority created under chapter 421;
- 444 (V) A community redevelopment agency created under s.
- 445 163.356;
- 446 (VI) A historic preservation district agency or
- 447 organization;
- 448 (VII) A regional workforce board;
- 449 (VIII) A direct-support organization as provided in s.
- 450 1009.983;
- 451 (IX) An enterprise zone development agency created under
- 452 s. 290.0056;
- 453 (X) A community-based organization incorporated under
- 454 chapter 617 which is recognized as educational, charitable, or
- 455 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 456 and whose bylaws and articles of incorporation include
- 457 affordable housing, economic development, or community
- 458 development as the primary mission of the corporation;
- 459 (XI) Units of local government;
- 460 (XII) Units of state government; or
- 461 (XIII) Any other agency that the Department of Economic
- 462 Opportunity designates by rule.

463  
 464 In no event may a contributing person have a financial interest  
 465 in the eligible sponsor.

466 d. The project must be located in an area designated an  
 467 enterprise zone or a Front Porch Florida Community, unless the  
 468 project increases access to high-speed broadband capability for

469 rural communities with enterprise zones but is physically  
470 located outside the designated rural zone boundaries. Any  
471 project designed to construct or rehabilitate housing for low-  
472 income or very-low-income households as defined in s.  
473 420.9071(19) and (28) is exempt from the area requirement of  
474 this sub-subparagraph.

475 e.(I) If, during the first 10 business days of the state  
476 fiscal year, eligible tax credit applications for projects that  
477 provide homeownership opportunities for low-income or very-low-  
478 income households as defined in s. 420.9071(19) and (28) are  
479 received for less than the annual tax credits available for  
480 those projects, the Department of Economic Opportunity shall  
481 grant tax credits for those applications and shall grant  
482 remaining tax credits on a first-come, first-served basis for  
483 any subsequent eligible applications received before the end of  
484 the state fiscal year. If, during the first 10 business days of  
485 the state fiscal year, eligible tax credit applications for  
486 projects that provide homeownership opportunities for low-income  
487 or very-low-income households as defined in s. 420.9071(19) and  
488 (28) are received for more than the annual tax credits available  
489 for those projects, the Department of Economic Opportunity shall  
490 grant the tax credits for those applications as follows:

491 (A) If tax credit applications submitted for approved  
492 projects of an eligible sponsor do not exceed \$200,000 in total,  
493 the credits shall be granted in full if the tax credit  
494 applications are approved.

495 (B) If tax credit applications submitted for approved  
 496 projects of an eligible sponsor exceed \$200,000 in total, the  
 497 amount of tax credits granted pursuant to sub-sub-sub-  
 498 subparagraph (A) shall be subtracted from the amount of  
 499 available tax credits, and the remaining credits shall be  
 500 granted to each approved tax credit application on a pro rata  
 501 basis.

502 (II) If, during the first 10 business days of the state  
 503 fiscal year, eligible tax credit applications for projects other  
 504 than those that provide homeownership opportunities for low-  
 505 income or very-low-income households as defined in s.  
 506 420.9071(19) and (28) are received for less than the annual tax  
 507 credits available for those projects, the Department of Economic  
 508 Opportunity shall grant tax credits for those applications and  
 509 shall grant remaining tax credits on a first-come, first-served  
 510 basis for any subsequent eligible applications received before  
 511 the end of the state fiscal year. If, during the first 10  
 512 business days of the state fiscal year, eligible tax credit  
 513 applications for projects other than those that provide  
 514 homeownership opportunities for low-income or very-low-income  
 515 households as defined in s. 420.9071(19) and (28) are received  
 516 for more than the annual tax credits available for those  
 517 projects, the Department of Economic Opportunity shall grant the  
 518 tax credits for those applications on a pro rata basis.

519 3. Application requirements.—

520 a. Any eligible sponsor seeking to participate in this

521 program must submit a proposal to the Department of Economic  
522 Opportunity which sets forth the name of the sponsor, a  
523 description of the project, and the area in which the project is  
524 located, together with such supporting information as is  
525 prescribed by rule. The proposal must also contain a resolution  
526 from the local governmental unit in which the project is located  
527 certifying that the project is consistent with local plans and  
528 regulations.

529       b. Any person seeking to participate in this program must  
530 submit an application for tax credit to the Department of  
531 Economic Opportunity which sets forth the name of the sponsor, a  
532 description of the project, and the type, value, and purpose of  
533 the contribution. The sponsor shall verify the terms of the  
534 application and indicate its receipt of the contribution, which  
535 verification must be in writing and accompany the application  
536 for tax credit. The person must submit a separate tax credit  
537 application to the Department of Economic Opportunity for each  
538 individual contribution that it makes to each individual  
539 project.

540       c. Any person who has received notification from the  
541 Department of Economic Opportunity that a tax credit has been  
542 approved must apply to the department to receive the refund.  
543 Application must be made on the form prescribed for claiming  
544 refunds of sales and use taxes and be accompanied by a copy of  
545 the notification. A person may submit only one application for  
546 refund to the department within any 12-month period.

547 4. Administration.—

548 a. The Department of Economic Opportunity may adopt rules  
 549 pursuant to ss. 120.536(1) and 120.54 necessary to administer  
 550 this paragraph, including rules for the approval or disapproval  
 551 of proposals by a person.

552 b. The decision of the Department of Economic Opportunity  
 553 must be in writing, and, if approved, the notification shall  
 554 state the maximum credit allowable to the person. Upon approval,  
 555 the Department of Economic Opportunity shall transmit a copy of  
 556 the decision to the Department of Revenue.

557 c. The Department of Economic Opportunity shall  
 558 periodically monitor all projects in a manner consistent with  
 559 available resources to ensure that resources are used in  
 560 accordance with this paragraph; however, each project must be  
 561 reviewed at least once every 2 years.

562 d. The Department of Economic Opportunity shall, in  
 563 consultation with the statewide and regional housing and  
 564 financial intermediaries, market the availability of the  
 565 community contribution tax credit program to community-based  
 566 organizations.

567 5. Expiration.—This paragraph expires June 30, 2016 ~~2015~~;  
 568 however, any accrued credit carryover that is unused on that  
 569 date may be used until the expiration of the 3-year carryover  
 570 period for such credit.

571 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
 572 entity by this chapter do not inure to any transaction that is

573 otherwise taxable under this chapter when payment is made by a  
 574 representative or employee of the entity by any means,  
 575 including, but not limited to, cash, check, or credit card, even  
 576 when that representative or employee is subsequently reimbursed  
 577 by the entity. In addition, exemptions provided to any entity by  
 578 this subsection do not inure to any transaction that is  
 579 otherwise taxable under this chapter unless the entity has  
 580 obtained a sales tax exemption certificate from the department  
 581 or the entity obtains or provides other documentation as  
 582 required by the department. Eligible purchases or leases made  
 583 with such a certificate must be in strict compliance with this  
 584 subsection and departmental rules, and any person who makes an  
 585 exempt purchase with a certificate that is not in strict  
 586 compliance with this subsection and the rules is liable for and  
 587 shall pay the tax. The department may adopt rules to administer  
 588 this subsection.

589 (kkk) Certain machinery and equipment.—

590 1. Industrial machinery and equipment purchased by  
 591 eligible manufacturing businesses which is used at a fixed  
 592 location within this state, or a mixer drum affixed to a mixer  
 593 truck, used at any location within this state to mix, agitate,  
 594 and transport freshly mixed concrete in a plastic state, for the  
 595 manufacture, processing, compounding, or production of items of  
 596 tangible personal property for sale shall be exempt from the tax  
 597 imposed by this chapter. Parts and labor required to affix a  
 598 mixer drum exempt under this paragraph to a mixer truck shall

599 also be exempt. If at the time of purchase the purchaser  
600 furnishes the seller with a signed certificate certifying the  
601 purchaser's entitlement to exemption pursuant to this paragraph,  
602 the seller is relieved of the responsibility for collecting the  
603 tax on the sale of such items, and the department shall look  
604 solely to the purchaser for recovery of the tax if it determines  
605 that the purchaser was not entitled to the exemption.

606 2. For purposes of this paragraph, the term:

607 a. "Eligible manufacturing business" means any business  
608 whose primary business activity at the location where the  
609 industrial machinery and equipment is located is within the  
610 industries classified under NAICS codes 31, 32, and 33. As used  
611 in this subparagraph, "NAICS" means those classifications  
612 contained in the North American Industry Classification System,  
613 as published in 2007 by the Office of Management and Budget,  
614 Executive Office of the President.

615 b. "Primary business activity" means an activity  
616 representing more than fifty percent of the activities conducted  
617 at the location where the industrial machinery and equipment is  
618 located.

619 c. "Industrial machinery and equipment" means tangible  
620 personal property or other property that has a depreciable life  
621 of 3 years or more and that is used as an integral part in the  
622 manufacturing, processing, compounding, or production of  
623 tangible personal property for sale. A building and its  
624 structural components are not industrial machinery and equipment



625 unless the building or structural component is so closely  
 626 related to the industrial machinery and equipment that it houses  
 627 or supports that the building or structural component can be  
 628 expected to be replaced when the machinery and equipment are  
 629 replaced. Heating and air conditioning systems are not  
 630 industrial machinery and equipment unless the sole justification  
 631 for their installation is to meet the requirements of the  
 632 production process, even though the system may provide  
 633 incidental comfort to employees or serve, to an insubstantial  
 634 degree, nonproduction activities. The term includes parts and  
 635 accessories for industrial machinery and equipment only to the  
 636 extent that the parts and accessories are purchased prior to the  
 637 date the machinery and equipment are placed in service.

638 3. This paragraph is repealed April 30, 2017.

639 (lll) Motor vehicle child restraint.—The sale of a child  
 640 restraint system or booster seat for use in a motor vehicle is  
 641 exempt from the tax imposed by this chapter.

642 (mmm) Youth bicycle helmets.—The sale of a bicycle helmet  
 643 marketed for use by youth is exempt from the tax imposed by this  
 644 chapter.

645 Section 7. Subsection (11) of section 212.12, Florida  
 646 Statutes, is amended to read:

647 212.12 Dealer's credit for collecting tax; penalties for  
 648 noncompliance; powers of Department of Revenue in dealing with  
 649 delinquents; brackets applicable to taxable transactions;  
 650 records required.—

651 (11) The department shall make available in an electronic  
 652 format or otherwise the tax amounts and brackets applicable to  
 653 all taxable transactions that occur in counties that have a  
 654 surtax at a rate other than 1 percent which transactions would  
 655 otherwise have been transactions taxable at the rate of 6  
 656 percent. Likewise, the department shall make available in an  
 657 electronic format or otherwise the tax amounts and brackets  
 658 applicable to transactions taxable at 4 7 percent pursuant to s.  
 659 212.05(1)(e) ~~1.c. 212.05(1)(e)~~ and on transactions which would  
 660 otherwise have been so taxable in counties which have adopted a  
 661 discretionary sales surtax.

662 Section 8. Paragraph (d) of subsection (6) of section  
 663 212.20, Florida Statutes, is amended to read:

664 212.20 Funds collected, disposition; additional powers of  
 665 department; operational expense; refund of taxes adjudicated  
 666 unconstitutionally collected.—

667 (6) Distribution of all proceeds under this chapter and s.  
 668 202.18(1)(b) and (2)(b) shall be as follows:

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

672 1. In any fiscal year, the greater of \$500 million, minus  
 673 an amount equal to 4.6 percent of the proceeds of the taxes  
 674 collected pursuant to chapter 201, or 5.2 percent of all other  
 675 taxes and fees imposed pursuant to this chapter or remitted  
 676 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in

677 monthly installments into the General Revenue Fund.

678       2. After the distribution under subparagraph 1., 8.814  
 679 percent of the amount remitted by a sales tax dealer located  
 680 within a participating county pursuant to s. 218.61 shall be  
 681 transferred into the Local Government Half-cent Sales Tax  
 682 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 683 transferred shall be reduced by 0.1 percent, and the department  
 684 shall distribute this amount to the Public Employees Relations  
 685 Commission Trust Fund less \$5,000 each month, which shall be  
 686 added to the amount calculated in subparagraph 3. and  
 687 distributed accordingly.

688       3. After the distribution under subparagraphs 1. and 2.,  
 689 0.095 percent shall be transferred to the Local Government Half-  
 690 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
 691 s. 218.65.

692       4. After the distributions under subparagraphs 1., 2., and  
 693 3., 2.0440 percent of the available proceeds shall be  
 694 transferred monthly to the Revenue Sharing Trust Fund for  
 695 Counties pursuant to s. 218.215.

696       5. After the distributions under subparagraphs 1., 2., and  
 697 3., 1.3409 percent of the available proceeds shall be  
 698 transferred monthly to the Revenue Sharing Trust Fund for  
 699 Municipalities pursuant to s. 218.215. If the total revenue to  
 700 be distributed pursuant to this subparagraph is at least as  
 701 great as the amount due from the Revenue Sharing Trust Fund for  
 702 Municipalities and the former Municipal Financial Assistance

703 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 704 receive less than the amount due from the Revenue Sharing Trust  
 705 Fund for Municipalities and the former Municipal Financial  
 706 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 707 total proceeds to be distributed are less than the amount  
 708 received in combination from the Revenue Sharing Trust Fund for  
 709 Municipalities and the former Municipal Financial Assistance  
 710 Trust Fund in state fiscal year 1999-2000, each municipality  
 711 shall receive an amount proportionate to the amount it was due  
 712 in state fiscal year 1999-2000.

713 6. Of the remaining proceeds:

714 a. In each fiscal year, the sum of \$29,915,500 shall be  
 715 divided into as many equal parts as there are counties in the  
 716 state, and one part shall be distributed to each county. The  
 717 distribution among the several counties must begin each fiscal  
 718 year on or before January 5th and continue monthly for a total  
 719 of 4 months. If a local or special law required that any moneys  
 720 accruing to a county in fiscal year 1999-2000 under the then-  
 721 existing provisions of s. 550.135 be paid directly to the  
 722 district school board, special district, or a municipal  
 723 government, such payment must continue until the local or  
 724 special law is amended or repealed. The state covenants with  
 725 holders of bonds or other instruments of indebtedness issued by  
 726 local governments, special districts, or district school boards  
 727 before July 1, 2000, that it is not the intent of this  
 728 subparagraph to adversely affect the rights of those holders or

729 | relieve local governments, special districts, or district school  
 730 | boards of the duty to meet their obligations as a result of  
 731 | previous pledges or assignments or trusts entered into which  
 732 | obligated funds received from the distribution to county  
 733 | governments under then-existing s. 550.135. This distribution  
 734 | specifically is in lieu of funds distributed under s. 550.135  
 735 | before July 1, 2000.

736 |         b. The department shall distribute \$166,667 monthly  
 737 | pursuant to s. 288.1162 to each applicant certified as a  
 738 | facility for a new or retained professional sports franchise  
 739 | pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
 740 | monthly by the department to each certified applicant as defined  
 741 | in s. 288.11621 for a facility for a spring training franchise.  
 742 | However, not more than \$416,670 may be distributed monthly in  
 743 | the aggregate to all certified applicants for facilities for  
 744 | spring training franchises. Distributions begin 60 days after  
 745 | such certification and continue for not more than 30 years,  
 746 | except as otherwise provided in s. 288.11621. A certified  
 747 | applicant identified in this sub-subparagraph may not receive  
 748 | more in distributions than expended by the applicant for the  
 749 | public purposes provided for in s. 288.1162(5) or s.  
 750 | 288.11621(3).

751 |         c. Beginning 30 days after notice by the Department of  
 752 | Economic Opportunity to the Department of Revenue that an  
 753 | applicant has been certified as the professional golf hall of  
 754 | fame pursuant to s. 288.1168 and is open to the public, \$166,667

755 shall be distributed monthly, for up to 300 months, to the  
 756 applicant.

757 d. Beginning 30 days after notice by the Department of  
 758 Economic Opportunity to the Department of Revenue that the  
 759 applicant has been certified as the International Game Fish  
 760 Association World Center facility pursuant to s. 288.1169, and  
 761 the facility is open to the public, \$83,333 shall be distributed  
 762 monthly, for up to 168 months, to the applicant. This  
 763 distribution is subject to reduction pursuant to s. 288.1169. A  
 764 lump sum payment of \$999,996 shall be made, after certification  
 765 and before July 1, 2000.

766 e. The department shall distribute up to \$55,555 monthly  
 767 to each certified applicant as defined in s. 288.11631 for a  
 768 facility used by a single spring training franchise, or up to  
 769 \$111,110 monthly to each certified applicant as defined in s.  
 770 288.11631 for a facility used by more than one spring training  
 771 franchise. Monthly distributions begin 60 days after such  
 772 certification or July 1, 2016, whichever is later, and continue  
 773 for not more than 30 years, except as otherwise provided in s.  
 774 288.11631. A certified applicant identified in this sub-  
 775 subparagraph may not receive more in distributions than expended  
 776 by the applicant for the public purposes provided in s.  
 777 288.11631(3).

778 f. The department shall distribute \$20 million by August 1  
 779 of each fiscal year and \$8 million on the first day of each  
 780 subsequent month for the remainder of the fiscal year to the

781 State Transportation Trust Fund to be used as directed by s.  
 782 339.0803.

783 7. All other proceeds must remain in the General Revenue  
 784 Fund.

785 Section 9. Subsection (1) of section 220.14, Florida  
 786 Statutes, is amended to read:

787 220.14 Exemption.—

788 (1) In computing a taxpayer's liability for tax under this  
 789 code, \$75,000 ~~there shall be exempt from the tax \$50,000~~ of net  
 790 income as defined in s. 220.12 is exempt from the tax or such  
 791 lesser amount as will, without increasing the taxpayer's federal  
 792 income tax liability, provide the state with an amount under  
 793 this code which is equal to the maximum federal income tax  
 794 credit which may be available from time to time under federal  
 795 law.

796 Section 10. The amendments made by this act to s. 220.14,  
 797 Florida Statutes, apply to taxable years beginning on or after  
 798 January 1, 2015.

799 Section 11. Subsection (5) of section 220.183, Florida  
 800 Statutes, is amended to read:

801 220.183 Community contribution tax credit.—

802 (5) EXPIRATION.—The provisions of this section, except  
 803 paragraph (1)(e), shall expire and be void on June 30, 2016  
 804 ~~2015~~.

805 Section 12. Subsection (3) of section 220.63, Florida  
 806 Statutes, is amended to read:

807 220.63 Franchise tax imposed on banks and savings  
 808 associations.-

809 (3) For purposes of this part, the franchise tax base is  
 810 ~~shall be~~ adjusted federal income, as defined in s. 220.13,  
 811 apportioned to this state, plus nonbusiness income allocated to  
 812 this state pursuant to s. 220.16, less the deduction allowed in  
 813 subsection (5) and less \$75,000 ~~\$50,000~~.

814 Section 13. The amendments made by this act to s. 220.63,  
 815 Florida Statutes, apply to taxable years beginning on or after  
 816 January 1, 2015.

817 Section 14. Section 288.127, Florida Statutes, is created  
 818 to read:

819 288.127 Qualified Television Loan Fund (QTV Fund).-

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

821 (a) "Fund administrator" means a private sector  
 822 organization under contract with the department to manage and  
 823 administer the QTV Fund.

824 (b) "Major broadcaster" means broadcasting organizations  
 825 that include, but are not limited to, television broadcasting  
 826 networks, cable television, direct broadcast satellite,  
 827 telecommunications companies, and internet streaming or other  
 828 digital media platforms.

829 (c) "Private investment capital" means capital from  
 830 private, nongovernmental funding sources that will be coinvested  
 831 with the QTV Fund in segregated accounts.

832 (d) "Qualified lending partner" means a financial



833 institution, as defined in s. 655.005, selected by a fund  
 834 administrator with demonstrated capability in providing  
 835 financing to television production and specialized expertise in  
 836 intellectual property, tax credit programs, customary broadcast  
 837 license agreements, advertising inventories, and ancillary  
 838 revenue sources, with a combined portfolio in film, television,  
 839 and entertainment media of at least \$500 million.

840 (e) "Qualified television content" means series, mini-  
 841 series, or made-for-TV content produced by a qualified  
 842 production company that has in place a distribution contract  
 843 with a major broadcaster, under a customary broadcast license  
 844 agreement. The term does not include a production that contains  
 845 content that is obscene, as defined in s. 847.001.

846 (2) PURPOSE.—The purpose of the QTV Fund is to create a  
 847 public-private partnership in the form of a revolving loan fund  
 848 to administer a loan program for television production. The QTV  
 849 Fund shall be privately managed under state oversight to  
 850 incentivize the use of this state as a site for producing  
 851 qualified television content and to develop and sustain the  
 852 workforce and infrastructure for television content production.

853 (3) CREATION.—The Qualified Television Loan Fund is  
 854 created within the department. The QTV Fund shall be a public  
 855 fund that is privately managed by the fund administrator under  
 856 contract entered into with the department. The department shall  
 857 disburse the funds appropriated for this program to the fund  
 858 administrator to invest in the QTV Fund during the existence of

859 the program pursuant to this section and the contract entered  
 860 into between the fund administrator and the department. State  
 861 funds in the QTV Fund may be used only to enter into loan  
 862 agreements and to pay any administrative costs or other  
 863 authorized fees under this section.

864 (a) The QTV Fund shall be a revolving loan fund that shall  
 865 invest and reinvest the principal and interest of the fund in  
 866 accordance with s. 617.2104, in such a manner as to not subject  
 867 the funds to state or federal taxes and to be consistent with  
 868 the investment policy statement adopted by the fund  
 869 administrator. As the production companies repay the principal  
 870 and interest for the QTV Fund, the state funds shall be  
 871 returned, less any QTV Fund expenses, to the account to be lent  
 872 to subsequent borrowers.

873 (b) Funds from the QTV Fund shall be disbursed by the fund  
 874 administrator through a lending vehicle to make short-term loans  
 875 pursuant to this section.

876 (4) FUND ADMINISTRATOR.—

877 (a) The department shall contract with a fund  
 878 administrator by September 1, 2014, and award the contract in  
 879 accordance with the competitive bidding requirements in s.  
 880 287.057.

881 (b) The department shall select as fund administrator a  
 882 private sector entity that demonstrates the ability to implement  
 883 the program under this section and that meets the requirements  
 884 set forth in this section. Preference shall be given to

885 applicants that are headquartered in this state. Additional  
 886 consideration may be given to applicants with experience in the  
 887 management of economic development or job creation-related  
 888 funds. The qualifications for the fund administrator must  
 889 include, but are not limited to, the following:

890 1. A demonstrated track record of managing private sector  
 891 equity or debt funds in the entertainment and media industries.

892 2. The ability to demonstrate through a partnership  
 893 agreement that a qualified lending partner is in place, with the  
 894 capability of providing leverage of a minimum of 2.5 times the  
 895 capital amount of the QTV Fund, for financing the production  
 896 cost of qualified television content in the form of senior debt.

897 (c) For overseeing and administering the QTV Fund, the  
 898 fund administrator shall be paid an annual management fee equal  
 899 to 5 percent of the assets under management during the first 5  
 900 years and 3 percent of the assets under management after the  
 901 fifth year and for the remaining duration of the contract.  
 902 However, after the first year of the QTV Fund, the annual  
 903 management fee may not exceed the investment proceeds earned  
 904 from the fund's completed loans. The annual management fee shall  
 905 be paid from state funds in the QTV Fund and shall be paid in  
 906 advance, in equal quarterly installments. Any additional private  
 907 investment capital in the segregated accounts is responsible for  
 908 its own management fees. In addition, the fund administrator may  
 909 receive income or profit distribution equal to 20 percent of the  
 910 net income of the QTV Fund on an annual basis. Such distribution

911 may not be made from any principal funds from the original  
 912 appropriation.

913 (d) The fund administrator shall provide services defined  
 914 under this section for the duration of the QTV Fund term unless  
 915 removed for cause. Cause shall be further defined under the  
 916 contract with the fund administrator and must include, but is  
 917 not limited to, the engagement in fraud or other criminal acts  
 918 by board members, incapacity, unfitness, neglect of duty,  
 919 official incompetence and irresponsibility, misfeasance,  
 920 malfeasance, nonfeasance, or lack of performance.

921 (5) FUND ADMINISTRATOR POWERS AND DUTIES.-

922 (a) Authority to contract.-The fund administrator may  
 923 enter into agreements with qualified lending partners for  
 924 concurrent lending through the QTV Fund. A loan made by the  
 925 qualified lending partner must be accounted for separately from  
 926 the state funds or any other private investment capital. Such  
 927 loan shall be made as senior debt. The fund administrator may  
 928 raise private investment capital for mezzanine equity and other  
 929 equity or raise junior capital for concurrent lending through  
 930 the QTV Fund. However, loans from private investment capital may  
 931 not be made at more favorable terms and conditions than the  
 932 terms and conditions of the state funds in the QTV Fund. The  
 933 state appropriation must be maintained in a separate account  
 934 from any private investment capital and administered in a  
 935 separate legal investment entity or entities. Private investment  
 936 capital and loans shall be segregated from each other, and funds

937 may not be commingled.

938 (b) General duties.—The fund administrator:

939 1. Shall prudently manage the funds in the QTV Fund as a  
 940 revolving loan fund.

941 2. Shall contract with one or more qualified lending  
 942 partners.

943 3. Shall provide improvement of the credit profile of a  
 944 structured financial transaction for qualified production  
 945 companies that produce qualified television content meeting the  
 946 criteria in subsection (7).

947 4. May raise additional private investment capital to be  
 948 held in separate accounts, in addition to the leverage provided  
 949 by the qualified lending partner.

950 5. Shall administer the QTV Fund in accordance with this  
 951 part.

952 6. Shall agree to maintain the recipient's books and  
 953 records relating to funds received from the department according  
 954 to generally accepted accounting principles and in accordance  
 955 with the requirements of s. 215.97(7) and to make those books  
 956 and records available to the department for inspection upon  
 957 reasonable notice. The books and records must be maintained with  
 958 detailed records showing the use of proceeds from loans to fund  
 959 qualified television content.

960 7. Shall maintain its registered office in this state  
 961 throughout the duration of the contract.

962 (c) Financial reporting.—The fund administrator shall

963 submit to the department by February 28 each year audited  
 964 financial statements for the preceding tax year which are  
 965 audited by an independent certified public accountant after the  
 966 end of each year in which the fund administrator is under  
 967 contract with the department. In addition to providing an  
 968 independent opinion on the annual financial statements, such  
 969 audit provides a basis to verify the segregation of state funds  
 970 from those of any private investment capital.

971 (d) Program reporting.—The fund administrator shall submit  
 972 an annual report to the department by February 28 after the end  
 973 of each year in which the fund administrator is under contract  
 974 with the department. The report must include information on the  
 975 loans made in the preceding calendar year and must include, but  
 976 need not be limited to, the following:

- 977 1. The name of the qualified television content.
- 978 2. The names of the counties in which the production  
 979 occurred.
- 980 3. The number of jobs created and retained as a result of  
 981 the production.
- 982 4. The loan amounts, including the amount of private  
 983 investment capital and funds provided by a qualified lending  
 984 partner.
- 985 5. The loan repayment status for each loan.
- 986 6. The number, and amounts, of any loans with payments  
 987 past due.
- 988 7. The number, and amounts, of any loans in default.

989 8. A description of the assets securing the loans.

990 9. Other information and documentation required by the  
 991 department.

992 (e) Plan of accountability.—The fund administrator shall  
 993 submit an annual plan of accountability of economic development,  
 994 including a report detailing the job creation resulting from the  
 995 QTV Fund loans made during the current year and cumulatively  
 996 since the inception of the program. The fund administrator shall  
 997 also provide any additional information requested by the  
 998 department pertaining to economic development and job creation  
 999 in the state.

1000 (f) Conflict-of-interest statement.—The fund administrator  
 1001 shall provide a conflict-of-interest statement from its  
 1002 governing board certifying that no board member, director,  
 1003 employee, agent, or other person connected to or affiliated with  
 1004 the fund administrator is receiving or will receive any type of  
 1005 compensation or remuneration from a production company that has  
 1006 received or will receive funds from the loan program or from a  
 1007 qualified lending partner. The department may waive this  
 1008 requirement for good cause shown.

1009 (6) LOAN STRUCTURE.—

1010 (a) The QTV Fund may make loans to production companies to  
 1011 fund production costs or provide improvement of the credit  
 1012 profile of a structured financial transaction for qualified  
 1013 television content that meets the criteria requirements of  
 1014 subsection (7). To make a loan, the fund administrator shall

1015 take into consideration the types of eligible collateral, the  
 1016 credit worthiness of the project, the producer's track record,  
 1017 the possibility that the project will encourage, enhance, or  
 1018 create economic benefits, and the extent to which assistance  
 1019 would foster innovative public-private partnerships and attract  
 1020 private debt or equity investment.

1021 (b) The QTV Fund loan package shall be secured by  
 1022 contractual and predictable sources of repayment such as  
 1023 domestic and international broadcaster license agreements, tax  
 1024 credits, and other ancillary revenues that are derived from  
 1025 media content rights. Unsecured loans may not be made.

1026 (c) The loans shall be made on the basis of a second lien  
 1027 or primary security rights on the media assets listed in  
 1028 paragraph (b).

1029 (d) The QTV Fund shall provide funding only in conjunction  
 1030 with senior loans provided by a qualified lending partner. Loans  
 1031 from the QTV Fund may be subordinated to senior debt from the  
 1032 qualified lending partner and may not exceed 30 percent of the  
 1033 total production funding cost of any particular project.

1034 (e) The production company's repayment of any loan shall  
 1035 be in accordance with the broadcast license agreement and the  
 1036 delivery of qualified television content to the major  
 1037 broadcaster and shall be within 60 days after such delivery.

1038 (f) Loans made by the QTV Fund may not exceed 36 months in  
 1039 duration, except for extenuating circumstances for which the  
 1040 fund administrator may grant an extension upon making written



1041 findings to the department specifying the conditions requiring  
 1042 the extension.

1043 (g) With the exception of funds appropriated to the  
 1044 department for the loan program, the credit of the state may not  
 1045 be pledged. The state shall not be liable or obligated in any  
 1046 way for claims against the QTV Fund or against the qualified  
 1047 lending partner.

1048 (7) QUALIFIED TELEVISION CONTENT CRITERIA.—The fund  
 1049 administrator must consider at a minimum the following criteria  
 1050 for evaluating the qualifying television content:

1051 (a) The content is intended for broadcast by a major  
 1052 broadcaster on a major network, cable, or streaming channel.

1053 (b) The content is produced in this state, or a minimum of  
 1054 80 percent of the production budget must be spent in this state.  
 1055 This requirement may be amended by the fund administrator upon  
 1056 notice to the department. Such notice must include a specific  
 1057 justification for the change and must be transmitted to the  
 1058 department in writing. The department has 10 business days to  
 1059 object to the change. If the department does not object to the  
 1060 change within 10 business days, the change is deemed acceptable  
 1061 by the department, and the fund administrator may grant the  
 1062 amendment to the requirement in this paragraph.

1063 (c) If the content is a series, there is a programming  
 1064 order for at least 13 episodes. This requirement may be amended  
 1065 by the fund administrator upon notice to the department. Such  
 1066 notice must include a specific justification for the change and

1067 must be transmitted to the department in writing. The department  
 1068 has 10 business days to object to the change. If the department  
 1069 does not object to the change within 10 business days, the  
 1070 change is deemed acceptable by the department, and the fund  
 1071 administrator may grant the amendment to the requirement in this  
 1072 paragraph.

1073 (d) The producer must have a contract in place with a  
 1074 major broadcaster to acquire content programming under a  
 1075 customary broadcast license agreement and the contract must  
 1076 cover at least 60 percent of the budget.

1077 (e) The producer must retain a foreign sales agent and  
 1078 must be able to provide the fund administrator with the foreign  
 1079 sales agent's official estimates of foreign and ancillary sales.

1080 (f) The project must be bonded and secured by an industry-  
 1081 approved completion guarantor if the production cost per episode  
 1082 exceeds \$1 million. This requirement may be waived if the loan  
 1083 applicant provides the fund administrator with evidence of  
 1084 adequate structure to protect the state's funds.

1085 (8) AUDITOR GENERAL REPORT.—The Auditor General shall  
 1086 conduct an operational audit, as defined in s. 11.45, of the QTV  
 1087 Fund and fund administrator. The scope of review must include,  
 1088 but is not limited to, internal controls evaluations, internal  
 1089 audit functions, reporting and performance requirements for the  
 1090 use of the funds, and compliance with state and federal law. The  
 1091 fund administrator shall provide to the Auditor General any  
 1092 detail or supplemental data required.

1093 (9) RULEMAKING AUTHORITY.—The department may adopt rules  
 1094 to administer this section.

1095 (10) EXPIRATION.—This section expires December 31, 2024,  
 1096 at which point all funds remaining in the QTV Fund shall revert  
 1097 to the General Revenue Fund.

1098 (11) EMERGENCY RULES.—

1099 (a) The executive director of the department is  
 1100 authorized, and all conditions are deemed met, to adopt  
 1101 emergency rules pursuant to ss. 120.536(1) and 120.54(4) for the  
 1102 purpose of implementing this section.

1103 (b) Notwithstanding any other law, the emergency rules  
 1104 adopted pursuant to paragraph (a) remain in effect for 6 months  
 1105 after adoption and may be renewed during the pendency of  
 1106 procedures to adopt permanent rules addressing the subject of  
 1107 the emergency rules.

1108 (c) This subsection expires October 1, 2015.

1109 Section 15. Paragraph (c) of subsection (3) of section  
 1110 288.9914, Florida Statutes, is amended to read:

1111 288.9914 Certification of qualified investments;  
 1112 investment issuance reporting.—

1113 (3) REVIEW.—

1114 (c) The department may not approve a cumulative amount of  
 1115 qualified investments that may result in the claim of more than  
 1116 \$227.55 ~~\$178.8~~ million in tax credits during the existence of  
 1117 the program or more than \$36.6 million in tax credits in a  
 1118 single state fiscal year. However, the potential for a taxpayer

1119 | to carry forward an unused tax credit may not be considered in  
 1120 | calculating the annual limit.

1121 | Section 16. Section 339.0803, Florida Statutes, is created  
 1122 | to read:

1123 | 339.0803 Funding for strategic and regionally significant  
 1124 | transportation projects.—Funds deposited into the State  
 1125 | Transportation Trust Fund pursuant to s. 212.20(6)(d)6.f. must  
 1126 | be used annually, first as set forth in subsection (1), and then  
 1127 | as set forth in subsection (2), notwithstanding any other  
 1128 | provision of law.

1129 | (1) Beginning in the 2014-2015 fiscal year and in each  
 1130 | fiscal year thereafter, \$85 million shall be used annually for  
 1131 | transportation projects within this state for existing or  
 1132 | planned strategic transportation projects that connect major  
 1133 | markets within this state or between this state and other  
 1134 | states, focus on job creation, and increase this state's  
 1135 | viability in the national and global markets.

1136 | (2) Beginning in the 2014-2015 fiscal year and in each  
 1137 | fiscal year thereafter, \$15 million shall be used annually for  
 1138 | regionally significant transportation projects that support this  
 1139 | state's economic regions and provide connectivity to and through  
 1140 | rural areas. To be eligible for funding under this subsection,  
 1141 | projects must be production-ready in the 5-year work program  
 1142 | developed pursuant to s. 339.135. Funds required to be used  
 1143 | under this subsection may be used to provide up to 75 percent of  
 1144 | project costs for eligible projects. Preference shall be given

1145 to projects that have been identified as regionally significant  
 1146 in accordance with s. 339.155(4) (c), (d), and (e) and that have  
 1147 provided an increased level of non-state match.

1148 Section 17. Subsection (6) of section 624.5105, Florida  
 1149 Statutes, is amended to read:

1150 624.5105 Community contribution tax credit; authorization;  
 1151 limitations; eligibility and application requirements;  
 1152 administration; definitions; expiration.—

1153 (6) EXPIRATION.—The provisions of this section, except  
 1154 paragraph (1) (e), shall expire and be void on June 30, 2016  
 1155 ~~2015~~.

1156 Section 18. Sales tax holiday for Energy Star and  
 1157 WaterSense products.—

1158 (1) The tax levied under chapter 212, Florida Statutes,  
 1159 may not be collected during the period from 12:01 a.m. on  
 1160 September 19, 2014, through 11:59 p.m. on September 21, 2014, on  
 1161 the first \$1,500 of the sale price of a new Energy Star product  
 1162 or WaterSense product. However, a person is limited to one  
 1163 purchase of each specific type of Energy Star or WaterSense  
 1164 product listed in paragraph (2) (a) or paragraph (2) (b) with a  
 1165 sales price of \$500 or more. A second or subsequent purchase of  
 1166 a specific type of Energy Star product or WaterSense product  
 1167 with a sales price of \$500 or more is subject to tax.

1168 (2) As used in this section, the term:

1169 (a) "Energy Star product" means a room air conditioner,  
 1170 air purifier, ceiling fan, clothes washer, clothes dryer,

1171 dehumidifier, dishwasher, freezer, refrigerator, water heater,  
 1172 swimming pool pump, or package of light bulbs that is designated  
 1173 by the United States Environmental Protection Agency and the  
 1174 United States Department of Energy as meeting or exceeding each  
 1175 agency's requirements under the Energy Star program and that is  
 1176 affixed with an Energy Star label.

1177 (b) "WaterSense product" means a bathroom sink faucet,  
 1178 faucet accessory, high-efficiency toilet or urinal, showerhead,  
 1179 or weather or sensor-based irrigation controller that is  
 1180 recognized as water efficient by the WaterSense program  
 1181 sponsored by the United States Environmental Protection Agency  
 1182 and that is affixed with a WaterSense label.

1183 (3) The Department of Revenue may, and all conditions are  
 1184 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
 1185 and 120.54, Florida Statutes, to administer this section.

1186 Section 19. Physical fitness admissions tax suspension.—

1187 (1) The tax levied under s. 212.04, Florida Statutes, may  
 1188 not be collected during the period from 12:01 a.m. on September  
 1189 1, 2014, through 11:59 p.m. on September 8, 2014, on the sale of  
 1190 athletic, exercise, and physical fitness facility memberships by  
 1191 a health studio registered under ss. 501.012-501.019, Florida  
 1192 Statutes.

1193 (2) The Department of Revenue may, and all conditions are  
 1194 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
 1195 and 120.54, Florida Statutes, to administer this section.

1196 Section 20. (1) The tax levied under chapter 212, Florida

1197 Statutes, may not be collected during the period from 12:01 a.m.  
 1198 on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the  
 1199 sale of:

1200 (a) Clothing, wallets, or bags, including handbags,  
 1201 backpacks, fanny packs, and diaper bags, but excluding  
 1202 briefcases, suitcases, and other garment bags, having a sales  
 1203 price of \$100 or less per item. As used in this paragraph, the  
 1204 term "clothing" means:

1205 1. Any article of wearing apparel intended to be worn on  
 1206 or about the human body, excluding watches, watchbands, jewelry,  
 1207 umbrellas, and handkerchiefs; and

1208 2. All footwear, excluding skis, swim fins, roller blades,  
 1209 and skates.

1210 (b) School supplies having a sales price of \$15 or less  
 1211 per item. As used in this paragraph, the term "school supplies"  
 1212 means pens, pencils, erasers, crayons, notebooks, notebook  
 1213 filler paper, legal pads, binders, lunch boxes, construction  
 1214 paper, markers, folders, poster board, composition books, poster  
 1215 paper, scissors, cellophane tape, glue or paste, rulers,  
 1216 computer disks, protractors, compasses, and calculators.

1217 (2) The tax levied under chapter 212, Florida Statutes,  
 1218 may not be collected during the period from 12:01 a.m. on August  
 1219 1, 2014, through 11:59 p.m. on August 3, 2014, on the first \$750  
 1220 of the sales price of personal computers or personal computer-  
 1221 related accessories purchased for noncommercial home or personal  
 1222 use. As used in this subsection, the term:

1223 (a) "Personal computers" includes electronic book readers,  
 1224 laptops, desktops, handhelds, tablets, and tower computers. The  
 1225 term does not include cellular telephones, video game consoles,  
 1226 digital media receivers, or devices that are not primarily  
 1227 designed to process data.

1228 (b) "Personal computer-related accessories" includes  
 1229 keyboards, mice, personal digital assistants, monitors, other  
 1230 peripheral devices, modems, routers, and nonrecreational  
 1231 software, regardless of whether the accessories are used in  
 1232 association with a personal computer base unit. The term does  
 1233 not include furniture or systems, devices, software, or  
 1234 peripherals designed or intended primarily for recreational use.

1235 (c) "Monitors" does not include devices that have a  
 1236 television tuner.

1237 (3) The tax exemptions provided in this section do not  
 1238 apply to sales within a theme park or entertainment complex as  
 1239 defined in s. 509.013(9), Florida Statutes, within a public  
 1240 lodging establishment as defined in s. 509.013(4), Florida  
 1241 Statutes, or within an airport as defined in s. 330.27(2),  
 1242 Florida Statutes.

1243 (4) The Department of Revenue may, and all conditions are  
 1244 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
 1245 and 120.54, Florida Statutes, to administer this section.

1246 Section 21. (1) The tax levied under chapter 212, Florida  
 1247 Statutes, may not be collected during the period from 12:01 a.m.  
 1248 on June 1, 2014, through 11:59 p.m. on June 12, 2014, on the



1249 sale of:  
 1250 (a) A portable self-powered light source selling for \$20  
 1251 or less.  
 1252 (b) A portable self-powered radio, two-way radio, or  
 1253 weatherband radio selling for \$50 or less.  
 1254 (c) A tarpaulin or other flexible waterproof sheeting  
 1255 selling for \$50 or less.  
 1256 (d) A self-contained first-aid kit selling for \$30 or  
 1257 less.  
 1258 (e) A ground anchor system or tie-down kit selling for \$50  
 1259 or less.  
 1260 (f) A gas or diesel fuel tank selling for \$25 or less.  
 1261 (g) A package of AA-cell, C-cell, D-cell, 6-volt, or 9-  
 1262 volt batteries, excluding automobile and boat batteries, selling  
 1263 for \$30 or less.  
 1264 (h) A nonelectric food storage cooler selling for \$30 or  
 1265 less.  
 1266 (i) A portable generator used to provide light or  
 1267 communications or preserve food in the event of a power outage  
 1268 selling for \$750 or less.  
 1269 (j) Reusable ice selling for \$10 or less.  
 1270 (2) The Department of Revenue may, and all conditions are  
 1271 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
 1272 and 120.54, Florida Statutes, to administer this section.  
 1273 Section 22. (1) For fiscal year 2014-2015, the sum of \$20  
 1274 million of nonrecurring funds is appropriated from the General

1275 Revenue Fund to the Economic Development Trust Fund of the  
 1276 Department of Economic Opportunity for the purpose of making  
 1277 disbursements in accordance with s. 288.127(3), Florida  
 1278 Statutes.

1279 (2) For fiscal year 2014-2015, the sum of \$60,541 of  
 1280 nonrecurring funds is appropriated from the General Revenue Fund  
 1281 to the Department of Revenue for the purpose of administering  
 1282 section 18 of this act.

1283 (3) For fiscal year 2014-2015, the sum of \$50,000 of  
 1284 nonrecurring funds is appropriated from the General Revenue Fund  
 1285 to the Department of Revenue for the purpose of administering  
 1286 section 19 of this act.

1287 (4) For fiscal year 2013-2014, the sum of \$223,048 of  
 1288 nonrecurring funds is appropriated from the General Revenue Fund  
 1289 to the Department of Revenue for the purpose of administering  
 1290 section 20 of this act. On June 30, 2014, the unexpended balance  
 1291 of this appropriation shall revert to the General Revenue Fund  
 1292 and be reappropriated for the same purpose for fiscal year 2014-  
 1293 2015.

1294 (5) For fiscal year 2013-2014, the sum of \$280,912 of  
 1295 nonrecurring funds is appropriated from the General Revenue Fund  
 1296 to the Department of Revenue for the purpose of administering  
 1297 section 21 of this act. On June 30, 2014, the unexpended balance  
 1298 of this appropriation shall revert to the General Revenue Fund  
 1299 and be reappropriated for the same purpose for fiscal year 2014-  
 1300 2015.

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2014

1301           Section 23. Except as otherwise expressly provided in this  
1302 act, this act shall take effect July 1, 2014.