

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Economic Development & International Trade offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof: Paragraphs (g) and (h) of subsection (5) of section 212.08, Florida Statutes, are amended, and paragraph (q) is added to that subsection, to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.--

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

1. Beginning July 1, 1995, building materials used in the rehabilitation of real property located in an enterprise

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1 zone shall be exempt from the tax imposed by this chapter upon  
2 an affirmative showing to the satisfaction of the department  
3 that the items have been used for the rehabilitation of real  
4 property located in an enterprise zone. Except as provided in  
5 subparagraph 2., this exemption inures to the owner, lessee,  
6 or lessor of the rehabilitated real property located in an  
7 enterprise zone only through a refund of previously paid  
8 taxes. To receive a refund pursuant to this paragraph, the  
9 owner, lessee, or lessor of the rehabilitated real property  
10 located in an enterprise zone must file an application under  
11 oath with the governing body or enterprise zone development  
12 agency having jurisdiction over the enterprise zone where the  
13 business is located, as applicable, which includes:

14 a. The name and address of the person claiming the  
15 refund.

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

19 c. A description of the improvements made to  
20 accomplish the rehabilitation of the real property.

21 d. A copy of the building permit issued for the  
22 rehabilitation of the real property.

23 e. A sworn statement, under the penalty of perjury,  
24 from the general contractor licensed in this state with whom  
25 the applicant contracted to make the improvements necessary to  
26 accomplish the rehabilitation of the real property, which  
27 statement lists the building materials used in the  
28 rehabilitation of the real property, the actual cost of the  
29 building materials, and the amount of sales tax paid in this  
30 state on the building materials. In the event that a general  
31 contractor has not been used, the applicant shall provide this

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1 information in a sworn statement, under the penalty of  
2 perjury. Copies of the invoices which evidence the purchase of  
3 the building materials used in such rehabilitation and the  
4 payment of sales tax on the building materials shall be  
5 attached to the sworn statement provided by the general  
6 contractor or by the applicant. Unless the actual cost of  
7 building materials used in the rehabilitation of real property  
8 and the payment of sales taxes due thereon is documented by a  
9 general contractor or by the applicant in this manner, the  
10 cost of such building materials shall be an amount equal to 40  
11 percent of the increase in assessed value for ad valorem tax  
12 purposes.

13 f. The identifying number assigned pursuant to s.  
14 290.0065 to the enterprise zone in which the rehabilitated  
15 real property is located.

16 g. A certification by the local building code  
17 inspector that the improvements necessary to accomplish the  
18 rehabilitation of the real property are substantially  
19 completed.

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

22 i. If applicable, the name and address of each  
23 permanent employee of the business, including, for each  
24 employee who is a resident of an enterprise zone, the  
25 identifying number assigned pursuant to s. 290.0065 to the  
26 enterprise zone in which the employee resides.

27 2. This exemption inures to a city, county, ~~or~~ other  
28 governmental agency, or nonprofit community-based organization  
29 through a refund of previously paid taxes if the building  
30 materials used in the rehabilitation of real property located  
31 in an enterprise zone are paid for from the funds of a

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1 community development block grant, State Housing Initiatives  
2 Partnership Program, or similar grant or loan program. To  
3 receive a refund pursuant to this paragraph, a city, county,  
4 ~~or~~ other governmental agency, or nonprofit community-based  
5 organization must file an application which includes the same  
6 information required to be provided in subparagraph 1. by an  
7 owner, lessee, or lessor of rehabilitated real property. In  
8 addition, the application must include a sworn statement  
9 signed by the chief executive officer of the city, county, ~~or~~  
10 other governmental agency, or nonprofit community-based  
11 organization seeking a refund which states that the building  
12 materials for which a refund is sought were paid for from the  
13 funds of a community development block grant, State Housing  
14 Initiatives Partnership Program, or similar grant or loan  
15 program.

16           3. Within 10 working days after receipt of an  
17 application, the governing body or enterprise zone development  
18 agency shall review the application to determine if it  
19 contains all the information required pursuant to subparagraph  
20 1. or subparagraph 2. and meets the criteria set out in this  
21 paragraph. The governing body or agency shall certify all  
22 applications that contain the information required pursuant to  
23 subparagraph 1. or subparagraph 2. and meet the criteria set  
24 out in this paragraph as eligible to receive a refund. If  
25 applicable, the governing body or agency shall also certify if  
26 20 percent of the employees of the business are residents of  
27 an enterprise zone, excluding temporary and part-time  
28 employees. The certification shall be in writing, and a copy  
29 of the certification shall be transmitted to the executive  
30 director of the Department of Revenue. The applicant shall be  
31 responsible for forwarding a certified application to the

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1 department within the time specified in subparagraph 4.

2 4. An application for a refund pursuant to this  
3 paragraph must be submitted to the department within 6 months  
4 after the rehabilitation of the property is deemed to be  
5 substantially completed by the local building code inspector  
6 or within 90 days after the rehabilitated property is first  
7 subject to assessment.

8 5. The provisions of s. 212.095 do not apply to any  
9 refund application made pursuant to this paragraph. No more  
10 than one exemption through a refund of previously paid taxes  
11 for the rehabilitation of real property shall be permitted for  
12 any one parcel of real property. No refund shall be granted  
13 pursuant to this paragraph unless the amount to be refunded  
14 exceeds \$500. No refund granted pursuant to this paragraph  
15 shall exceed the lesser of 97 percent of the Florida sales or  
16 use tax paid on the cost of the building materials used in the  
17 rehabilitation of the real property as determined pursuant to  
18 sub-subparagraph 1.e. or \$5,000, or, if no less than 20  
19 percent of the employees of the business are residents of an  
20 enterprise zone, excluding temporary and part-time employees,  
21 the amount of refund granted pursuant to this paragraph shall  
22 not exceed the lesser of 97 percent of the sales tax paid on  
23 the cost of such building materials or \$10,000. A refund  
24 approved pursuant to this paragraph shall be made within 30  
25 days of formal approval by the department of the application  
26 for the refund.

27 6. The department shall adopt rules governing the  
28 manner and form of refund applications and may establish  
29 guidelines as to the requisites for an affirmative showing of  
30 qualification for exemption under this paragraph.

31 7. The department shall deduct an amount equal to 10

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1 percent of each refund granted under the provisions of this  
2 paragraph from the amount transferred into the Local  
3 Government Half-cent Sales Tax Clearing Trust Fund pursuant to  
4 s. 212.20 for the county area in which the rehabilitated real  
5 property is located and shall transfer that amount to the  
6 General Revenue Fund.

7 8. For the purposes of the exemption provided in this  
8 paragraph:

9 a. "Building materials" means tangible personal  
10 property which becomes a component part of improvements to  
11 real property.

12 b. "Real property" has the same meaning as provided in  
13 s. 192.001(12).

14 c. "Rehabilitation of real property" means the  
15 reconstruction, renovation, restoration, rehabilitation,  
16 construction, or expansion of improvements to real property.

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

19 9. The provisions of this paragraph shall expire and  
20 be void on December 31, 2005.

21 (h) Business property used in an enterprise zone.--

22 1. Beginning July 1, 1995, business property purchased  
23 for use by businesses located in an enterprise zone which is  
24 subsequently used in an enterprise zone shall be exempt from  
25 the tax imposed by this chapter. This exemption inures to the  
26 business only through a refund of previously paid taxes. A  
27 refund shall be authorized upon an affirmative showing by the  
28 taxpayer to the satisfaction of the department that the  
29 requirements of this paragraph have been met.

30 2. To receive a refund, the business must file under  
31 oath with the governing body or enterprise zone development

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1 agency having jurisdiction over the enterprise zone where the  
2 business is located, as applicable, an application which  
3 includes:  
4 a. The name and address of the business claiming the  
5 refund.  
6 b. The identifying number assigned pursuant to s.  
7 290.0065 to the enterprise zone in which the business is  
8 located.  
9 c. A specific description of the property for which a  
10 refund is sought, including its serial number or other  
11 permanent identification number.  
12 d. The location of the property.  
13 e. The sales invoice or other proof of purchase of the  
14 property, showing the amount of sales tax paid, the date of  
15 purchase, and the name and address of the sales tax dealer  
16 from whom the property was purchased.  
17 f. Whether the business is a small business as defined  
18 by s. 288.703(1).  
19 g. If applicable, the name and address of each  
20 permanent employee of the business, including, for each  
21 employee who is a resident of an enterprise zone, the  
22 identifying number assigned pursuant to s. 290.0065 to the  
23 enterprise zone in which the employee resides.  
24 3. Within 10 working days after receipt of an  
25 application, the governing body or enterprise zone development  
26 agency shall review the application to determine if it  
27 contains all the information required pursuant to subparagraph  
28 2. and meets the criteria set out in this paragraph. The  
29 governing body or agency shall certify all applications that  
30 contain the information required pursuant to subparagraph 2.  
31 and meet the criteria set out in this paragraph as eligible to

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1 receive a refund. If applicable, the governing body or agency  
2 shall also certify if 20 percent of the employees of the  
3 business are residents of an enterprise zone, excluding  
4 temporary and part-time employees. The certification shall be  
5 in writing, and a copy of the certification shall be  
6 transmitted to the executive director of the Department of  
7 Revenue. The business shall be responsible for forwarding a  
8 certified application to the department within the time  
9 specified in subparagraph 4.

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

14           5. The provisions of s. 212.095 do not apply to any  
15 refund application made pursuant to this paragraph. The amount  
16 refunded on purchases of business property under this  
17 paragraph shall be the lesser of 97 percent of the sales tax  
18 paid on such business property or \$5,000, or, if no less than  
19 20 percent of the employees of the business are residents of  
20 an enterprise zone, excluding temporary and part-time  
21 employees, the amount refunded on purchases of business  
22 property under this paragraph shall be the lesser of 97  
23 percent of the sales tax paid on such business property or  
24 \$10,000. A refund approved pursuant to this paragraph shall be  
25 made within 30 days of formal approval by the department of  
26 the application for the refund. No refund shall be granted  
27 under this paragraph unless the amount to be refunded exceeds  
28 \$100 in sales tax paid on purchases made within a 60-day time  
29 period.

30           6. The department shall adopt rules governing the  
31 manner and form of refund applications and may establish

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1 guidelines as to the requisites for an affirmative showing of  
2 qualification for exemption under this paragraph.

3           7. If the department determines that the business  
4 property is used outside an enterprise zone within 3 years  
5 from the date of purchase, the amount of taxes refunded to the  
6 business purchasing such business property shall immediately  
7 be due and payable to the department by the business, together  
8 with the appropriate interest and penalty, computed from the  
9 date of purchase, in the manner provided by this chapter.  
10 Notwithstanding this subparagraph, business property used  
11 exclusively in:

- 12           a. Licensed commercial fishing vessels,
- 13           b. Fishing guide boats, or
- 14           c. Ecotourism guide boats

15  
16 that leave and return to a fixed location within an area  
17 designated under s. 370.28 are eligible for the exemption  
18 provided under this paragraph if all requirements of this  
19 paragraph are met. Such vessels and boats must be owned by a  
20 business that is eligible to receive the exemption provided  
21 under this paragraph. This exemption does not apply to the  
22 purchase of a vessel or boat.

23           8. The department shall deduct an amount equal to 10  
24 percent of each refund granted under the provisions of this  
25 paragraph from the amount transferred into the Local  
26 Government Half-cent Sales Tax Clearing Trust Fund pursuant to  
27 s. 212.20 for the county area in which the business property  
28 is located and shall transfer that amount to the General  
29 Revenue Fund.

30           9. For the purposes of this exemption, "business  
31 property" means new or used property defined as "recovery

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1 property" in s. 168(c) of the Internal Revenue Code of 1954,  
2 as amended, except:

3 a. Property classified as 3-year property under s.  
4 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

5 b. Industrial machinery and equipment as defined in  
6 sub-subparagraph (b)6.a. and eligible for exemption under  
7 paragraph (b); ~~and~~

8 c. Building materials as defined in sub-subparagraph  
9 (g)8.a.; and

10 d. Business property having a sales price of under  
11 \$500 per unit.

12 10. The provisions of this paragraph shall expire and  
13 be void on December 31, 2005.

14 (q) Community contribution tax credit for donations.--

15 1. Authorization.--Beginning July 1, 2001, persons who  
16 are registered with the department under s. 212.18 to collect  
17 or remit sales or use tax and who make donations to eligible  
18 sponsors are eligible for tax credits against their state  
19 sales and use tax liabilities as provided in this paragraph:

20 a. The credit shall be computed as 50 percent of the  
21 person's approved annual community contribution;

22 b. The credit shall be granted as a refund against  
23 state sales and use taxes reported on returns and remitted in  
24 the 12 months preceding the date of application to the  
25 department for the credit as required in sub-subparagraph 3.c.  
26 If the annual credit is not fully used through such refund  
27 because of insufficient tax payments during the applicable  
28 12-month period, the unused amount may be included in an  
29 application for a refund made pursuant to sub-subparagraph  
30 3.c. in subsequent years against the total tax payments made  
31 for such year. Carryover credits may be applied for a 3-year

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1 period without regard to any time limitation that would  
2 otherwise apply under s. 215.26;  
3 c. No person shall receive more than \$200,000 in  
4 annual tax credits for all approved community contributions  
5 made in any one year;  
6 d. All proposals for the granting of the tax credit  
7 shall require the prior approval of the Office of Tourism,  
8 Trade, and Economic Development;  
9 e. The total amount of tax credits which may be  
10 granted for all programs approved under this paragraph, s.  
11 220.183, and s. 624.5105 is \$20 million annually; and  
12 f. A person who is eligible to receive the credit  
13 provided for in this paragraph, s. 220.183, or s. 624.5105 may  
14 receive the credit only under the one section of the person's  
15 choice.  
16 2. Eligibility requirements.--  
17 a. A community contribution by a person must be in the  
18 following form:  
19 (I) Cash or other liquid assets;  
20 (II) Real property;  
21 (III) Goods or inventory; or  
22 (IV) Other physical resources as identified by the  
23 Office of Tourism, Trade, and Economic Development.  
24 b. All community contributions must be reserved  
25 exclusively for use in a project. As used in this  
26 sub-subparagraph, the term "project" means any activity  
27 undertaken by an eligible sponsor which is designed to  
28 construct, improve, or substantially rehabilitate housing that  
29 is affordable to low-income or very-low-income households as  
30 defined in s. 420.9071(19) and (28); designed to provide  
31 commercial, industrial, or public resources and facilities; or

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1 designed to improve entrepreneurial and job-development  
2 opportunities for low-income persons. A project may be the  
3 investment necessary to increase access to high-speed  
4 broadband capability in rural communities with enterprise  
5 zones, including projects that result in improvements to  
6 communications assets that are owned by a business. This  
7 paragraph does not preclude projects that propose to construct  
8 or rehabilitate housing for low-income or very-low-income  
9 households on scattered sites. The Office of Tourism, Trade,  
10 and Economic Development may reserve up to 50 percent of the  
11 available annual tax credits for housing for very-low-income  
12 households pursuant to s. 420.9071(28) for the first 6 months  
13 of the fiscal year. With respect to housing, contributions may  
14 be used to pay the following eligible low-income and  
15 very-low-income housing-related activities:

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

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

20 (III) Administrative costs, including housing  
21 counseling and marketing fees, not to exceed 10 percent of the  
22 community contribution, directly related to low-income or  
23 very-low-income projects; and

24 (IV) Removal of liens recorded against residential  
25 property by municipal, county, or special-district local  
26 governments when satisfaction of the lien is a necessary  
27 precedent to the transfer of the property to an eligible  
28 person, as defined in s. 420.9071(19) and (28), for the  
29 purpose of promoting home ownership. Contributions for lien  
30 removal must be received from a nonrelated third party.

31 c. The project must be undertaken by an "eligible

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- 1 sponsor," which includes:  
2       (I) A community action program;  
3       (II) A nonprofit community-based development  
4 organization whose mission is the provision of housing for  
5 low-income or very-low-income households or increasing  
6 entrepreneurial and job-development opportunities for  
7 low-income persons;  
8       (III) A neighborhood housing services corporation;  
9       (IV) A local housing authority created under chapter  
10 421;  
11       (V) A community redevelopment agency created under s.  
12 163.356;  
13       (VI) The Florida Industrial Development Corporation;  
14       (VII) An historic preservation district agency or  
15 organization;  
16       (VIII) A regional workforce board;  
17       (IX) A direct-support organization as provided in s.  
18 240.551;  
19       (X) An enterprise zone development agency created  
20 under s. 290.0056;  
21       (XI) A community-based organization incorporated under  
22 chapter 617 which is recognized as educational, charitable, or  
23 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
24 Code and whose by-laws and articles of incorporation include  
25 affordable housing, economic development, or community  
26 development as the primary mission of the corporation;  
27       (XII) Units of local government;  
28       (XIII) Units of state government; or  
29       (XIV) Any other agency that the Office of Tourism,  
30 Trade, and Economic Development designates by rule.  
31

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1 In no event may a contributing person have a financial  
2 interest in the eligible sponsor.

3 d. The project must be located in an area designated  
4 an enterprise zone or a Front Porch Florida community pursuant  
5 to s. 14.2015(9)(b), unless the project increases access to  
6 high-speed broadband capability for rural communities with  
7 enterprise zones but is physically located outside the  
8 designated rural zone boundaries. Any project designed to  
9 construct or rehabilitate housing for low-income or  
10 very-low-income households as defined in s. 420.0971(19) and  
11 (28) is exempt from the area requirement of this  
12 sub-subparagraph.

13 3. Application requirements.--

14 a. Any eligible sponsor seeking to participate in this  
15 program must submit a proposal to the Office of Tourism,  
16 Trade, and Economic Development which sets forth the name of  
17 the sponsor, a description of the project and the area in  
18 which the project is located, together with such supporting  
19 information as is prescribed by rule. The proposal must also  
20 contain a resolution from the local governmental unit in which  
21 the project is located certifying that the project is  
22 consistent with local plans and regulations.

23 b. Any person seeking to participate in this program  
24 must submit an application for tax credit to the Office of  
25 Tourism, Trade, and Economic Development which sets forth the  
26 name of the sponsor, a description of the project, and the  
27 type, value, and purpose of the contribution. The sponsor  
28 shall verify the terms of the application and indicate its  
29 receipt of the contribution, which verification must be in  
30 writing and accompany the application for tax credit. The  
31 person must submit a separate tax credit application to the

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1 office for each individual contribution that it makes to each  
2 individual project.  
3 c. Any person who has received notification from the  
4 Office of Tourism, Trade, and Economic Development that a tax  
5 credit has been approved must apply to the department to  
6 receive the refund. Application must be made on the form  
7 prescribed for claiming refunds of sales and use taxes and be  
8 accompanied by a copy of the notification. A person may submit  
9 only one application for refund to the department within any  
10 12-month period.  
11 4. Administration.--  
12 a. The Office of Tourism, Trade, and Economic  
13 Development may adopt rules pursuant to ss. 120.536(1) and  
14 120.54 necessary to administer this paragraph, including rules  
15 for the approval or disapproval of proposals by a person.  
16 b. The decision of the Office of Tourism, Trade, and  
17 Economic Development must be in writing, and, if approved, the  
18 notification shall state the maximum credit allowable to the  
19 person. Upon approval, the office shall transmit a copy of the  
20 decision to the Department of Revenue.  
21 c. The Office of Tourism, Trade, and Economic  
22 Development shall periodically monitor all projects in a  
23 manner consistent with available resources to ensure that  
24 resources are used in accordance with this paragraph; however,  
25 each project must be reviewed at least once every 2 years.  
26 d. The Office of Tourism, Trade, and Economic  
27 Development shall, in consultation with the Department of  
28 Community Affairs, the Florida Housing Finance Corporation,  
29 and the statewide and regional housing and financial  
30 intermediaries, market the availability of the community  
31 contribution tax credit program to community-based

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1 organizations.

2 5. Expiration.--This paragraph expires June 30, 2005;  
3 however, any accrued credit carryover that is unused on that  
4 date may be used until the expiration of the 3-year carryover  
5 period for such credit.

6 Section 1. Effective January 1, 2002, section 212.096,  
7 Florida Statutes, is amended to read:

8 212.096 Sales, rental, storage, use tax; enterprise  
9 zone jobs credit against sales tax.--

10 (1) For the purposes of the credit provided in this  
11 section:

12 (a) "Eligible business" means any sole proprietorship,  
13 firm, partnership, corporation, bank, savings association,  
14 estate, trust, business trust, receiver, syndicate, or other  
15 group or combination, or successor business, located in an  
16 enterprise zone. The business must demonstrate to the  
17 department that the total number of full-time jobs defined  
18 under paragraph (d) has increased from the average of the  
19 previous 12 months. The term "eligible business" includes a  
20 business that added a minimum of five new full-time jobs in an  
21 enterprise zone between July 1, 2000, and December 31, 2001.  
22 An eligible business does not include any business which has  
23 claimed the credit permitted under s. 220.181 for any new  
24 business employee first beginning employment with the business  
25 after July 1, 1995.

26 (b) "Month" means either a calendar month or the time  
27 period from any day of any month to the corresponding day of  
28 the next succeeding month or, if there is no corresponding day  
29 in the next succeeding month, the last day of the succeeding  
30 month.

31 (c) "New employee" means a person residing in an

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1 enterprise zone, ~~a qualified Job Training Partnership Act~~  
2 ~~classroom training participant~~, or a participant in the  
3 welfare transition program ~~participant~~ who begins employment  
4 with an eligible business after July 1, 1995, and who has not  
5 been previously employed full-time within the preceding 12  
6 months by the eligible business, or a successor eligible  
7 business, claiming the credit allowed by this section.

8 (d) "Jobs" means full-time positions, as consistent  
9 with terms used by the Agency for Workforce Innovation and the  
10 United States Department of Labor for purposes of unemployment  
11 compensation tax administration and employment estimation  
12 resulting directly from a business operation in this state.

13 This number may not include temporary construction jobs  
14 involved with the construction of facilities or any jobs that  
15 have previously been included in any application for tax  
16 credits under s. 220.181(1). The term "jobs" also includes  
17 employment of an employee leased from an employee leasing  
18 company licensed under chapter 468 if such employee has been  
19 continuously leased to the employer for an average of at least  
20 36 hours per week for more than 6 months.

21 (e) "New job has been created" means that the total  
22 number of full-time jobs has increased in an enterprise zone  
23 from the average of the previous 12 months, as demonstrated to  
24 the department by a business located in the enterprise zone.

25  
26 A person shall be deemed to be employed if the person performs  
27 duties in connection with the operations of the business on a  
28 regular, full-time basis, provided the person is performing  
29 such duties for an average of at least 36 hours per week each  
30 month, ~~or a part-time basis, provided the person is performing~~  
31 ~~such duties for an average of at least 20 hours per week each~~

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1 ~~month throughout the year.~~ The person must be performing such  
2 duties at a business site located in the enterprise zone.

3 (2)(a) It is the legislative intent to encourage the  
4 provision of meaningful employment opportunities which will  
5 improve the quality of life of those employed and to encourage  
6 economic expansion of enterprise zones and the state.  
7 Therefore, beginning January ~~July~~ 1, 2002 ~~1995~~, upon an  
8 affirmative showing by an eligible ~~a~~ business to the  
9 satisfaction of the department that the requirements of this  
10 section have been met, the business shall be allowed a credit  
11 against the tax remitted under this chapter.

12 (b) The credit shall be computed as 20 follows ~~+~~

13 ~~1. Ten percent of the actual monthly wages paid in~~  
14 ~~this state to each new employee hired when a new job has been~~  
15 ~~created, unless the business is located within a rural~~  
16 ~~enterprise zone pursuant to s. 290.004(8), in which case the~~  
17 ~~credit shall be 30 percent of the actual monthly wages paid~~  
18 ~~whose wages do not exceed \$1,500 a month. If no less than 20~~  
19 ~~percent of the employees of the business are residents of an~~  
20 ~~enterprise zone, excluding temporary and part-time employees,~~  
21 ~~the credit shall be computed as 30~~ ~~15~~ percent of the actual  
22 monthly wages paid in this state to each new employee hired  
23 when a new job has been created, unless the business is  
24 located within a rural enterprise zone, in which case the  
25 credit shall be 45 percent of the actual monthly wages paid. ~~+~~

26 ~~2. Five percent of the first \$1,500 of actual monthly~~  
27 ~~wages paid in this state for each new employee whose wages~~  
28 ~~exceed \$1,500 a month; or~~

29 ~~3. Fifteen percent of the first \$1,500 of actual~~  
30 ~~monthly wages paid in this state for each new employee who is~~  
31 ~~a WAGES Program participant pursuant to chapter 414.~~

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1  
2 For purposes of this paragraph, monthly wages shall be  
3 computed as one-twelfth of the expected annual wages paid to  
4 such employee. The amount paid as wages to a new employee is  
5 the compensation paid to such employee that is subject to  
6 unemployment tax. The credit shall be allowed for up to 24 ~~12~~  
7 consecutive months, beginning with the first tax return due  
8 pursuant to s. 212.11 after approval by the department.

9 (3) In order to claim this credit, an eligible  
10 business must file under oath with the governing body or  
11 enterprise zone development agency having jurisdiction over  
12 the enterprise zone where the business is located, as  
13 applicable, a statement which includes:

14 (a) For each new employee for whom this credit is  
15 claimed, the employee's name and place of residence, including  
16 the identifying number assigned pursuant to s. 290.0065 to the  
17 enterprise zone in which the employee resides if the new  
18 employee is a person residing in an enterprise zone, and, if  
19 applicable, documentation that the employee is a ~~qualified Job~~  
20 ~~Training Partnership Act classroom training participant or a~~  
21 welfare transition program participant.

22 (b) If applicable, the name and address of each  
23 permanent employee of the business, including, for each  
24 employee who is a resident of an enterprise zone, the  
25 identifying number assigned pursuant to s. 290.0065 to the  
26 enterprise zone in which the employee resides.

27 (c) The name and address of the eligible business.

28 (d) The starting salary or hourly wages paid to the  
29 new employee.

30 (e) Demonstration to the department that the total  
31 number of full-time jobs defined under paragraph (1)(d) has

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1 increased in an enterprise zone from the average of the  
2 previous 12 months.

3 (f)~~(e)~~ The identifying number assigned pursuant to s.  
4 290.0065 to the enterprise zone in which the business is  
5 located.

6 (g)~~(f)~~ Whether the business is a small business as  
7 defined by s. 288.703(1).

8 (h)~~(g)~~ Within 10 working days after receipt of an  
9 application, the governing body or enterprise zone development  
10 agency shall review the application to determine if it  
11 contains all the information required pursuant to this  
12 subsection and meets the criteria set out in this section. The  
13 governing body or agency shall certify all applications that  
14 contain the information required pursuant to this subsection  
15 and meet the criteria set out in this section as eligible to  
16 receive a credit. If applicable, the governing body or agency  
17 shall also certify if 20 percent of the employees of the  
18 business are residents of an enterprise zone, excluding  
19 temporary and part-time employees. The certification shall be  
20 in writing, and a copy of the certification shall be  
21 transmitted to the executive director of the Department of  
22 Revenue. The business shall be responsible for forwarding a  
23 certified application to the department within the time  
24 specified in paragraph (i)~~(h)~~.

25 (i)~~(h)~~ All applications for a credit pursuant to this  
26 section must be submitted to the department within 6 ~~4~~ months  
27 after the new employee is hired.

28 (4) Within 10 working days after receipt of a  
29 completed application for a credit authorized in this section,  
30 the department shall inform the business that the application  
31 has been approved. The credit may be taken on the first return

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1 due after receipt of approval from the department.

2 ~~(5)(4)~~ In the event the application is incomplete or  
3 insufficient to support the credit authorized in this section,  
4 the department shall deny the credit and notify the business  
5 of that fact. The business may reapply for this credit.

6 ~~(6)(5)~~ The credit provided in this section does not  
7 apply:

8 (a) For any new employee who is an owner, partner, or  
9 stockholder of an eligible business.

10 (b) For any new employee who is employed for any  
11 period less than 3 ~~full~~ calendar months.

12 ~~(7)(6)~~ The credit provided in this section shall not  
13 be allowed for any month in which the tax due for such period  
14 or the tax return required pursuant to s. 212.11 for such  
15 period is delinquent.

16 ~~(8)(7)~~ In the event an eligible business has a credit  
17 larger than the amount owed the state on the tax return for  
18 the time period in which the credit is claimed, the amount of  
19 the credit for that time period shall be the amount owed the  
20 state on that tax return.

21 ~~(9)(8)~~ Any business which has claimed this credit  
22 shall not be allowed any credit under the provisions of s.  
23 220.181 for any new employee beginning employment after July  
24 1, 1995.

25 ~~(10)(9)~~ It shall be the responsibility of each  
26 business to affirmatively demonstrate to the satisfaction of  
27 the department that it meets the requirements of this section.

28 ~~(11)(10)~~ Any person who fraudulently claims this  
29 credit is liable for repayment of the credit plus a mandatory  
30 penalty of 100 percent of the credit plus interest at the rate  
31 provided in this chapter, and such person is guilty of a

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1 misdemeanor of the second degree, punishable as provided in s.  
2 775.082 or s. 775.083.

3 (12)~~(11)~~ The provisions of this section, except for  
4 subsection(11)~~(10)~~, shall expire ~~and be void on~~ December 31,  
5 2005.

6 Section 2. Effective January 1, 2002, section 212.098,  
7 Florida Statutes, is amended to read:

8 212.098 Rural Job Tax Credit Program.--

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

10 (a) "Eligible business" means any sole proprietorship,  
11 firm, partnership, or corporation that is located in a  
12 qualified county and is predominantly engaged in, or is  
13 headquarters for a business predominantly engaged in,  
14 activities usually provided for consideration by firms  
15 classified within the following standard industrial  
16 classifications: SIC 01-SIC 09 (agriculture, forestry, and  
17 fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public  
18 warehousing and storage); SIC 70 (hotels and other lodging  
19 places); SIC 7391 (research and development); SIC 7992 (public  
20 golf courses); ~~and~~ SIC 7996 (amusement parks); and a targeted  
21 industry eligible for the qualified target industry business  
22 tax refund under s. 288.106. A call center or similar customer  
23 service operation that services a multistate market or an  
24 international market is also an eligible business. In  
25 addition, the Office of Tourism, Trade, and Economic  
26 Development may, as part of its final budget request submitted  
27 pursuant to s. 216.023, recommend additions to or deletions  
28 from the list of standard industrial classifications used to  
29 determine an eligible business, and the Legislature may  
30 implement such recommendations. Excluded from eligible  
31 receipts are receipts from retail sales, except such receipts

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1 for hotels and other lodging places classified in SIC 70,  
2 public golf courses in SIC 7992, and amusement parks in SIC  
3 7996. For purposes of this paragraph, the term  
4 "predominantly" means that more than 50 percent of the  
5 business's gross receipts from all sources is generated by  
6 those activities usually provided for consideration by firms  
7 in the specified standard industrial classification. The  
8 determination of whether the business is located in a  
9 qualified county and the tier ranking of that county must be  
10 based on the date of application for the credit under this  
11 section. Commonly owned and controlled entities are to be  
12 considered a single business entity.

13 (b) "Qualified employee" means any employee of an  
14 eligible business who performs duties in connection with the  
15 operations of the business on a regular, full-time basis for  
16 an average of at least 36 hours per week for at least 3 months  
17 within the qualified county in which the eligible business is  
18 located. The term also includes an employee leased from an  
19 employee leasing company licensed under chapter 468, if such  
20 employee has been continuously leased to the employer for an  
21 average of at least 36 hours per week for more than 6 months.  
22 An owner or partner of the eligible business is not a  
23 qualified employee.

24 (c) "Qualified area county" means any area that is  
25 contained within a rural area of critical economic concern  
26 designated under s. 288.0656, a county that has a population  
27 of fewer than 75,000 persons, or any county that has a  
28 population of 100,000 or less and is contiguous to a county  
29 that has a population of less than 75,000, selected in the  
30 following manner: every third year, the Office of Tourism,  
31 Trade, and Economic Development shall rank and tier the

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1 state's counties according to the following four factors:

2 1. Highest unemployment rate for the most recent  
3 36-month period.

4 2. Lowest per capita income for the most recent  
5 36-month period.

6 3. Highest percentage of residents whose incomes are  
7 below the poverty level, based upon the most recent data  
8 available.

9 4. Average weekly manufacturing wage, based upon the  
10 most recent data available.

11

12 ~~Tier-one qualified counties are those ranked 1-5 and represent~~  
13 ~~the state's least-developed counties according to this~~  
14 ~~ranking. Tier-two qualified counties are those ranked 6-10,~~  
15 ~~and tier-three counties are those ranked 11-17.~~

16 ~~Notwithstanding this definition, "qualified county" also means~~  
17 ~~a county that contains an area that has been designated as a~~  
18 ~~federal Enterprise Community pursuant to the 1999 Agricultural~~  
19 ~~Appropriations Act. Such a designated area shall be ranked in~~  
20 ~~tier three until the areas are reevaluated by the Office of~~  
21 ~~Tourism, Trade, and Economic Development.~~

22 (d) "New business" means any eligible business first  
23 beginning operation on a site in a qualified county and  
24 clearly separate from any other commercial or business  
25 operation of the business entity within a qualified county. A  
26 business entity that operated an eligible business within a  
27 qualified county within the 48 months before the period  
28 provided for application by subsection (2) is not considered a  
29 new business.

30 (e) "Existing business" means any eligible business  
31 that does not meet the criteria for a new business.

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1           (2) A new eligible business may apply for a tax credit  
2 under this subsection once at any time during its first year  
3 of operation. A new eligible business in a tier-one qualified  
4 area that county which has at least 10 qualified employees on  
5 the date of application shall receive a ~~\$1,000~~\$1,500 tax  
6 credit for each such employee. ~~A new eligible business in a~~  
7 ~~tier-two qualified county which has at least 20 qualified~~  
8 ~~employees on the date of application shall receive a \$1,000~~  
9 ~~tax credit for each such employee. A new eligible business in~~  
10 ~~a tier-three qualified county which has at least 30 qualified~~  
11 ~~employees on the date of application shall receive a \$500 tax~~  
12 ~~credit for each such employee.~~

13           (3) An existing eligible business may apply for a tax  
14 credit under this subsection at any time it is entitled to  
15 such credit, except as restricted by this subsection. An  
16 existing eligible business with fewer than 50 employees in a  
17 ~~tier-one~~ qualified area that county which on the date of  
18 application has at least 20 percent ~~5~~ more qualified employees  
19 than it had 1 year prior to its date of application shall  
20 receive a ~~\$1,000~~\$1,500 tax credit for each such additional  
21 employee. An existing ~~eligible~~ business that has 50 employees  
22 or more in a qualified area that, on the date of application,  
23 has at least 10 more qualified employees than it had 1 year  
24 prior to its date of application shall receive a \$1,000 tax  
25 credit for each additional employee.~~in a tier-two qualified~~  
26 ~~county which on the date of application has at least 10 more~~  
27 ~~qualified employees than it had 1 year prior to its date of~~  
28 ~~application shall receive a \$1,000 credit for each such~~  
29 ~~additional employee. An existing business in a tier-three~~  
30 ~~qualified county which on the date of application has at least~~  
31 ~~15 more qualified employees than it had 1 year prior to its~~

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1 ~~date of application shall receive a \$500 tax credit for each~~  
2 ~~such additional employee. An existing business may apply for~~  
3 ~~the credit under this subsection no more than once in any~~  
4 ~~12-month period.~~ Any existing eligible business that received  
5 a credit under subsection (2) may not apply for the credit  
6 under this subsection sooner than 12 months after the  
7 application date for the credit under subsection (2).

8 (4) For any new eligible business receiving a credit  
9 pursuant to subsection (2), an additional \$500 credit shall be  
10 provided for any qualified employee who is a welfare  
11 transition program participant. For any existing eligible  
12 business receiving a credit pursuant to subsection (3), an  
13 additional \$500 credit shall be provided for any qualified  
14 employee who is a welfare transition program participant. Such  
15 employee must be employed on the application date and have  
16 been employed less than 1 year. This credit shall be in  
17 addition to other credits pursuant to this section regardless  
18 of the tier-level of the county. Appropriate documentation  
19 concerning the eligibility of an employee for this credit must  
20 be submitted as determined by the department.

21 (5) To be eligible for a tax credit under subsection  
22 (3), the number of qualified employees employed 1 year prior  
23 to the application date must be no lower than the number of  
24 qualified employees on the application date on which a credit  
25 under this section was based for any previous application,  
26 including an application under subsection (2).

27 (6)(a) In order to claim this credit, an eligible  
28 business must file under oath with the Office of Tourism,  
29 Trade, and Economic Development a statement that includes the  
30 name and address of the eligible business, the starting salary  
31 or hourly wages paid to the new employee, and any other

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1 information that the Department of Revenue requires.

2 (b) Within 30 working days after receipt of an  
3 application for credit, the Office of Tourism, Trade, and  
4 Economic Development shall review the application to determine  
5 whether it contains all the information required by this  
6 subsection and meets the criteria set out in this section.  
7 Subject to the provisions of paragraph (c), the Office of  
8 Tourism, Trade, and Economic Development shall approve all  
9 applications that contain the information required by this  
10 subsection and meet the criteria set out in this section as  
11 eligible to receive a credit.

12 (c) The maximum credit amount that may be approved  
13 during any calendar year is \$5 million. The Department of  
14 Revenue, in conjunction with the Office of Tourism, Trade, and  
15 Economic Development, shall notify the governing bodies in  
16 areas designated as qualified counties when the \$5 million  
17 maximum amount has been reached. Applications must be  
18 considered for approval in the order in which they are  
19 received without regard to whether the credit is for a new or  
20 existing business. This limitation applies to the value of  
21 the credit as contained in approved applications. Approved  
22 credits may be taken in the time and manner allowed pursuant  
23 to this section.

24 (d) A business may not receive more than \$500,000 of  
25 tax credits during any one calendar year for its efforts in  
26 creating jobs.

27 (7) If the application is insufficient to support the  
28 credit authorized in this section, the Office of Tourism,  
29 Trade, and Economic Development shall deny the credit and  
30 notify the business of that fact. The business may reapply  
31 for this credit within 3 months after such notification.

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1           (8) If the credit under this section is greater than  
2 can be taken on a single tax return, excess amounts may be  
3 taken as credits on any tax return submitted within 12 months  
4 after the approval of the application by the department.

5           (9) It is the responsibility of each business to  
6 affirmatively demonstrate to the satisfaction of the  
7 Department of Revenue that it meets the requirements of this  
8 section.

9           (10) Any person who fraudulently claims this credit is  
10 liable for repayment of the credit plus a mandatory penalty of  
11 100 percent of the credit and is guilty of a misdemeanor of  
12 the second degree, punishable as provided in s. 775.082 or s.  
13 775.083.

14           (11) A corporation may take the credit under this  
15 section against its corporate income tax liability, as  
16 provided in s. 220.1895. However, a corporation that uses its  
17 job tax credit against the tax imposed by chapter 220 may not  
18 receive the credit provided for in this section. A credit may  
19 be taken against only one tax.

20           (12) The department shall adopt rules governing the  
21 manner and form of applications for credit and may establish  
22 guidelines as to the requisites for an affirmative showing of  
23 qualification for the credit under this section.

24           Section 3. Reduction or waiver of financial match  
25 requirements.--Notwithstanding any other law, the member  
26 agencies and organizations of the Rural Economic Development  
27 Initiative (REDI), as defined in section 288.0656(6)(a),  
28 Florida Statutes, shall review the financial match  
29 requirements for projects in rural areas as defined in section  
30 288.0656(2)(b), Florida Statutes.

31           (1) Each agency and organization shall develop a

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1 proposal to waive or reduce the match requirement for rural  
2 areas.

3 (2) Agencies and organizations shall ensure that all  
4 proposals are submitted to the Office of Tourism, Trade, and  
5 Economic Development for review by the REDI agencies.

6 (3) These proposals shall be delivered to the Office  
7 of Tourism, Trade, and Economic Development for distribution  
8 to the REDI agencies and organizations. A meeting of REDI  
9 agencies and organizations must be called within 30 days after  
10 receipt of such proposals for REDI comment and recommendations  
11 on each proposal.

12 (4) Waivers and reductions must be requested by the  
13 county or community, and such county or community must have  
14 three or more of the factors identified in section  
15 288.0656(2)(a), Florida Statutes.

16 (5) Any other funds available to the project may be  
17 used for financial match of federal programs when there is  
18 fiscal hardship and the match requirements may not be waived  
19 or reduced.

20 (6) When match requirements are not reduced or  
21 eliminated, donations of land, though usually not recognized  
22 as an in-kind match, may be permitted.

23 (7) To the fullest extent possible, agencies and  
24 organizations shall expedite the rule adoption and amendment  
25 process if necessary to incorporate the reduction in match by  
26 rural areas in fiscal distress.

27 (8) REDI shall include in its annual report an  
28 evaluation on the status of changes to rules, number of awards  
29 made with waivers, and recommendations for future changes.

30 Section 4. Subsection (1) of section 220.03, Florida  
31 Statutes, is amended to read:

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1           220.03 Definitions.--

2           (1) SPECIFIC TERMS.--When used in this code, and when  
3 not otherwise distinctly expressed or manifestly incompatible  
4 with the intent thereof, the following terms shall have the  
5 following meanings:

6           (a) "Ad valorem taxes paid" means 96 percent of  
7 property taxes levied for operating purposes and does not  
8 include interest, penalties, or discounts foregone. In  
9 addition, the term "ad valorem taxes paid," for purposes of  
10 the credit in s. 220.182, means the ad valorem tax paid on new  
11 or additional real or personal property acquired to establish  
12 a new business or facilitate a business expansion, including  
13 pollution and waste control facilities, or any part thereof,  
14 and including one or more buildings or other structures,  
15 machinery, fixtures, and equipment. The provisions of this  
16 paragraph shall expire and be void on June 30, 2005.

17           (b) "Affiliated group of corporations" means two or  
18 more corporations which constitute an affiliated group of  
19 corporations as defined in s. 1504(a) of the Internal Revenue  
20 Code.

21           (c) "Business" or "business firm" means any business  
22 entity authorized to do business in this state as defined in  
23 paragraph (e), and any bank or savings and loan association as  
24 defined in s. 220.62, subject to the tax imposed by the  
25 provisions of this chapter. The provisions of this paragraph  
26 shall expire and be void on June 30, 2005.

27           (d) "Community contribution" means the grant by a  
28 business firm of any of the following items:

- 29           1. Cash or other liquid assets.  
30           2. Real property.  
31           3. Goods or inventory.

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1           4. Other physical resources as identified by the  
2 department.

3  
4 The provisions of this paragraph shall expire and be void on  
5 June 30, 2005.

6           (e) "Corporation" includes all domestic corporations;  
7 foreign corporations qualified to do business in this state or  
8 actually doing business in this state; joint-stock companies;  
9 limited liability companies, under chapter 608; common-law  
10 declarations of trust, under chapter 609; corporations not for  
11 profit, under chapter 617; agricultural cooperative marketing  
12 associations, under chapter 618; professional service  
13 corporations, under chapter 621; foreign unincorporated  
14 associations, under chapter 622; private school corporations,  
15 under chapter 623; foreign corporations not for profit which  
16 are carrying on their activities in this state; and all other  
17 organizations, associations, legal entities, and artificial  
18 persons which are created by or pursuant to the statutes of  
19 this state, the United States, or any other state, territory,  
20 possession, or jurisdiction. The term "corporation" does not  
21 include proprietorships, even if using a fictitious name;  
22 partnerships of any type, as such; limited liability companies  
23 that are taxable as partnerships for federal income tax  
24 purposes; state or public fairs or expositions, under chapter  
25 616; estates of decedents or incompetents; testamentary  
26 trusts; or private trusts.

27           (f) "Department" means the Department of Revenue of  
28 this state.

29           (g) "Director" means the executive director of the  
30 Department of Revenue and, when there has been an appropriate  
31 delegation of authority, the executive director's delegate.

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1           (h) "Earned," "accrued," "paid," or "incurred" shall  
2 be construed according to the method of accounting upon the  
3 basis of which a taxpayer's income is computed under this  
4 code.

5           (i) "Emergency," as used in s. 220.02 and in paragraph  
6 (u) of this subsection, means occurrence of widespread or  
7 severe damage, injury, or loss of life or property proclaimed  
8 pursuant to s. 14.022 or declared pursuant to s. 252.36. The  
9 provisions of this paragraph shall expire and be void on June  
10 30, 2005.

11           (j) "Enterprise zone" means an area in the state  
12 designated pursuant to s. 290.0065. The provisions of this  
13 paragraph shall expire and be void on June 30, 2005.

14           (k) "Expansion of an existing business," for the  
15 purposes of the enterprise zone property tax credit, means any  
16 business entity authorized to do business in this state as  
17 defined in paragraph (e), and any bank or savings and loan  
18 association as defined in s. 220.62, subject to the tax  
19 imposed by the provisions of this chapter, located in an  
20 enterprise zone, which expands by or through additions to real  
21 and personal property and which establishes five or more new  
22 jobs to employ five or more additional full-time employees at  
23 such location. The provisions of this paragraph shall expire  
24 and be void on June 30, 2005.

25           (l) "Fiscal year" means an accounting period of 12  
26 months or less ending on the last day of any month other than  
27 December or, in the case of a taxpayer with an annual  
28 accounting period of 52-53 weeks under s. 441(f) of the  
29 Internal Revenue Code, the period determined under that  
30 subsection.

31           (m) "Includes" or "including," when used in a

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1 definition contained in this code, shall not be deemed to  
2 exclude other things otherwise within the meaning of the term  
3 defined.

4 (n) "Internal Revenue Code" means the United States  
5 Internal Revenue Code of 1986, as amended and in effect on  
6 January 1, 2000, except as provided in subsection (3).

7 (o) "Local government" means any county or  
8 incorporated municipality in the state. The provisions of this  
9 paragraph shall expire and be void on June 30, 2005.

10 (p) "New business," for the purposes of the enterprise  
11 zone property tax credit, means any business entity authorized  
12 to do business in this state as defined in paragraph (e), or  
13 any bank or savings and loan association as defined in s.  
14 220.62, subject to the tax imposed by the provisions of this  
15 chapter, first beginning operations on a site located in an  
16 enterprise zone and clearly separate from any other commercial  
17 or industrial operations owned by the same entity, bank, or  
18 savings and loan association and which establishes five or  
19 more new jobs to employ five or more additional full-time  
20 employees at such location. The provisions of this paragraph  
21 shall expire and be void on June 30, 2005.

22 (q) "New employee," for the purposes of the enterprise  
23 zone jobs credit, means a person residing in an enterprise  
24 zone, ~~a qualified Job Training Partnership Act classroom~~  
25 ~~training participant, or a WAGES Program participant~~ in the  
26 welfare transition program who is employed at a business  
27 located in an enterprise zone who begins employment in the  
28 operations of the business after July 1, 1995, and who has not  
29 been previously employed full-time within the preceding 12  
30 months by the business or a successor business claiming the  
31 credit pursuant to s. 220.181. A person shall be deemed to be

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1 employed by such a business if the person performs duties in  
2 connection with the operations of the business on a full-time  
3 basis, provided she or he is performing such duties for an  
4 average of at least 36 hours per week each month, ~~or a~~  
5 ~~part-time basis, provided she or he is performing such duties~~  
6 ~~for an average of at least 20 hours per week each month~~  
7 ~~throughout the year.~~ The term "jobs" also includes employment  
8 of an employee leased from an employee leasing company  
9 licensed under chapter 468, if such employee has been  
10 continuously leased to the employer for an average of at least  
11 36 hours per week for more than 6 months. The person must be  
12 performing such duties at a business site located in an  
13 enterprise zone. The provisions of this paragraph shall expire  
14 and be void on June 30, 2005.

15 (r) "Nonbusiness income" means rents and royalties  
16 from real or tangible personal property, capital gains,  
17 interest, dividends, and patent and copyright royalties, to  
18 the extent that they do not arise from transactions and  
19 activities in the regular course of the taxpayer's trade or  
20 business. The term "nonbusiness income" does not include  
21 income from tangible and intangible property if the  
22 acquisition, management, and disposition of the property  
23 constitute integral parts of the taxpayer's regular trade or  
24 business operations, or any amounts which could be included in  
25 apportionable income without violating the due process clause  
26 of the United States Constitution. For purposes of this  
27 definition, "income" means gross receipts less all expenses  
28 directly or indirectly attributable thereto. Functionally  
29 related dividends are presumed to be business income.

30 (s) "Partnership" includes a syndicate, group, pool,  
31 joint venture, or other unincorporated organization through or

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1 by means of which any business, financial operation, or  
2 venture is carried on, including a limited partnership; and  
3 the term "partner" includes a member having a capital or a  
4 profits interest in a partnership.

5 (t) "Project" means any activity undertaken by an  
6 eligible sponsor, as defined in s. 220.183(2)(c), which is  
7 designed to construct, improve, or substantially rehabilitate  
8 housing that is affordable to low-income or very-low-income  
9 households as defined in s. 420.9071(19) and (28); designed to  
10 provide commercial, industrial, or public resources and  
11 facilities; or designed to improve entrepreneurial and  
12 job-development opportunities for low-income persons. The term  
13 also includes the provision of educational programs and  
14 materials by an eligible sponsor. A project may be the  
15 investment necessary to increase access to high-speed  
16 broadband capability in rural communities with enterprise  
17 zones, including projects that result in improvements to  
18 communications assets that are owned by a business. This  
19 paragraph does not preclude projects that propose to construct  
20 or rehabilitate low-income or very-low-income housing on  
21 scattered sites. The Office of Tourism, Trade, and Economic  
22 Development may reserve up to 50 percent of the available  
23 annual tax credits under s. 220.181 for housing for  
24 very-low-income households pursuant to s. 420.9071(28) for the  
25 first 6 months of the fiscal year. With respect to housing,  
26 contributions may be used to pay the following eligible  
27 project-related activities:

- 28 1. Project development, impact, and management fees  
29 for low-income or very-low-income housing projects;  
30 2. Down payment and closing costs for eligible  
31 persons, as defined in s. 420.9071(19) and (28);

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1           3. Administrative costs, including housing counseling  
2 and marketing fees, not to exceed 10 percent of the community  
3 contribution, directly related to low-income or  
4 very-low-income projects; and

5           4. Removal of liens recorded against residential  
6 property by municipal, county, or special-district local  
7 governments when satisfaction of the lien is a necessary  
8 precedent to the transfer of the property to an eligible  
9 person, as defined in s. 420.9071(19) and (28), for the  
10 purpose of promoting home ownership. Contributions for lien  
11 removal must be received from a nonrelated third party.

12 ~~"Project" means any activity undertaken by an eligible~~  
13 ~~sponsor, as defined in s. 220.183(2)(c), which is designed to~~  
14 ~~construct, improve, or substantially rehabilitate housing or~~  
15 ~~commercial, industrial, or public resources and facilities or~~  
16 ~~to improve entrepreneurial and job-development opportunities~~  
17 ~~for low-income persons.~~

18  
19 The provisions of this paragraph shall expire and be void on  
20 June 30, 2005.

21           (u) "Rebuilding of an existing business" means  
22 replacement or restoration of real or tangible property  
23 destroyed or damaged in an emergency, as defined in paragraph  
24 (i), after July 1, 1995, in an enterprise zone, by a business  
25 entity authorized to do business in this state as defined in  
26 paragraph (e), or a bank or savings and loan association as  
27 defined in s. 220.62, subject to the tax imposed by the  
28 provisions of this chapter, located in the enterprise zone.  
29 The provisions of this paragraph shall expire and be void on  
30 June 30, 2005.

31           (v) "Regulations" includes rules promulgated, and

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1 forms prescribed, by the department.

2 (w) "Returns" includes declarations of estimated tax  
3 required under this code.

4 (x) "Secretary" means the secretary of the Department  
5 of Commerce. The provisions of this paragraph shall expire and  
6 be void on June 30, 2005.

7 (y) "State," when applied to a jurisdiction other than  
8 Florida, means any state of the United States, the District of  
9 Columbia, the Commonwealth of Puerto Rico, any territory or  
10 possession of the United States, and any foreign country, or  
11 any political subdivision of any of the foregoing.

12 (z) "Taxable year" means the calendar or fiscal year  
13 upon the basis of which net income is computed under this  
14 code, including, in the case of a return made for a fractional  
15 part of a year, the period for which such return is made.

16 (aa) "Taxpayer" means any corporation subject to the  
17 tax imposed by this code, and includes all corporations for  
18 which a consolidated return is filed under s. 220.131.  
19 However, "taxpayer" does not include a corporation having no  
20 individuals (including individuals employed by an affiliate)  
21 receiving compensation in this state as defined in s. 220.15  
22 when the only property owned or leased by said corporation  
23 (including an affiliate) in this state is located at the  
24 premises of a printer with which it has contracted for  
25 printing, if such property consists of the final printed  
26 product, property which becomes a part of the final printed  
27 product, or property from which the printed product is  
28 produced.

29 (bb) "Functionally related dividends" include the  
30 following types of dividends:

31 1. Those received from a subsidiary of which the

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1 voting stock is more than 50 percent owned or controlled by  
2 the taxpayer or members of its affiliated group and which is  
3 engaged in the same general line of business.

4         2. Those received from any corporation which is either  
5 a significant source of supply for the taxpayer or its  
6 affiliated group or a significant purchaser of the output of  
7 the taxpayer or its affiliated group, or which sells a  
8 significant part of its output or obtains a significant part  
9 of its raw materials or input from the taxpayer or its  
10 affiliated group. "Significant" means an amount of 15 percent  
11 or more.

12         3. Those resulting from the investment of working  
13 capital or some other purpose in furtherance of the taxpayer  
14 or its affiliated group.

15

16 However, dividends not otherwise subject to tax under this  
17 chapter are excluded.

18         (cc) "Child care facility startup costs" means  
19 expenditures for substantial renovation, equipment, including  
20 playground equipment and kitchen appliances and cooking  
21 equipment, real property, including land and improvements, and  
22 for reduction of debt, made in connection with a child care  
23 facility as defined by s. 402.302, or any facility providing  
24 daily care to children who are mildly ill, which is located in  
25 this state on the taxpayer's premises and used by the  
26 employees of the taxpayer.

27         (dd) "Operation of a child care facility" means  
28 operation of a child care facility as defined by s. 402.302,  
29 or any facility providing daily care to children who are  
30 mildly ill, which is located in this state within 5 miles of  
31 at least one place of business of the taxpayer and which is

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1 used by the employees of the taxpayer.

2 (ee) "Citrus processing company" means a corporation  
3 which, during the 60-month period ending on December 31, 1997,  
4 had derived more than 50 percent of its total gross receipts  
5 from the processing of citrus products and the manufacture of  
6 juices.

7 (ff) "New job has been created" means that the total  
8 number of full-time jobs has increased in an enterprise zone  
9 from the average of the previous 12 months, as demonstrated to  
10 the department by a business located in the enterprise zone.

11 (gg) "Jobs" means full-time positions, as consistent  
12 with terms used by the Agency for Workforce Innovation and the  
13 United States Department of Labor for purposes of unemployment  
14 compensation tax administration and employment estimation  
15 resulting directly from business operations in this state.  
16 This number may not include temporary construction jobs  
17 involved with the construction of facilities or any jobs that  
18 have previously been included in any application for tax  
19 credits under s. 220.181(1).

20 Section 5. Effective January 1, 2002, subsections (1)  
21 and (2) of section 220.181, Florida Statutes, are amended to  
22 read:

23 220.181 Enterprise zone jobs credit.--

24 (1)(a) Beginning January July 1, 2002 1995, there  
25 shall be allowed a credit against the tax imposed by this  
26 chapter to any business located in an enterprise zone which  
27 demonstrates to the department that the total number of  
28 full-time jobs defined under s. 212.096(1)(d) has increased  
29 from the average of the previous 12 months. This credit is  
30 also available for a business that added a minimum of five new  
31 full-time jobs in an enterprise zone between July 1, 2000, and

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1 December 31, 2001 ~~employs one or more new employees~~. The  
2 credit shall be computed as 20 ~~follows~~:+  
3       1. ~~Ten~~ percent of the actual monthly wages paid in  
4 this state to each new employee hired when a new job has been  
5 created, as defined under s. 220.03(1)(ff), unless the  
6 business is located in a rural enterprise zone, pursuant to s.  
7 290.004(8), in which case the credit shall be 30 percent of  
8 the actual monthly wages paid ~~whose wages do not exceed \$1,500~~  
9 ~~a month~~. If no less than 20 percent of the employees of the  
10 business are residents of an enterprise zone, excluding  
11 temporary and part-time employees, the credit shall be  
12 computed as 30 ~~15~~ percent of the actual monthly wages paid in  
13 this state to each new employee hired when a new job has been  
14 created, unless the business is located in a rural enterprise  
15 zone, in which case the credit shall be 45 percent of the  
16 actual monthly wages paid, for a period of up to 24 ~~12~~  
17 consecutive months. ~~+~~  
18       2. ~~Five percent of the first \$1,500 of actual monthly~~  
19 ~~wages paid in this state for each new employee whose wages~~  
20 ~~exceed \$1,500 a month; or~~  
21       3. ~~Fifteen percent of the first \$1,500 of actual~~  
22 ~~monthly wages paid in this state for each new employee who is~~  
23 ~~a welfare transition program participant.~~  
24       (b) This credit applies only with respect to wages  
25 subject to unemployment tax and does not apply for any new  
26 employee who is employed for any period less than 3 full  
27 months.  
28       (c) If this credit is not fully used in any one year,  
29 the unused amount may be carried forward for a period not to  
30 exceed 5 years. The carryover credit may be used in a  
31 subsequent year when the tax imposed by this chapter for such

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1 year exceeds the credit for such year after applying the other  
2 credits and unused credit carryovers in the order provided in  
3 s. 220.02(8).

4 (2) When filing for an enterprise zone jobs credit, a  
5 business must file under oath with the governing body or  
6 enterprise zone development agency having jurisdiction over  
7 the enterprise zone where the business is located, as  
8 applicable, a statement which includes:

9 (a) For each new employee for whom this credit is  
10 claimed, the employee's name and place of residence during the  
11 taxable year, including the identifying number assigned  
12 pursuant to s. 290.0065 to the enterprise zone in which the  
13 new employee resides if the new employee is a person residing  
14 in an enterprise zone, and, if applicable, documentation that  
15 the employee is a ~~qualified Job Training Partnership Act~~  
16 ~~classroom training participant or a~~ welfare transition program  
17 participant.

18 (b) If applicable, the name and address of each  
19 permanent employee of the business, including, for each  
20 employee who is a resident of an enterprise zone, the  
21 identifying number assigned pursuant to s. 290.0065 to the  
22 enterprise zone in which the employee resides.

23 (c) The name and address of the business.

24 (d) The identifying number assigned pursuant to s.  
25 290.0065 to the enterprise zone in which the eligible business  
26 is located.

27 (e) The salary or hourly wages paid to each new  
28 employee claimed.

29 (f) Demonstration to the department that the total  
30 number of full-time jobs has increased from the average of the  
31 previous 12 months.

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1            ~~(g)~~(f) Whether the business is a small business as  
2 defined by s. 288.703(1).

3            Section 6. Subsections (1), (2), (3), and (4) of  
4 section 220.183, Florida Statutes, are amended to read:

5            220.183 Community contribution tax credit.--

6            (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
7 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
8 SPENDING.--

9            (a) There shall be allowed a credit of 50 percent of a  
10 community contribution against any tax due for a taxable year  
11 under this chapter.

12            (b) No business firm shall receive more than \$200,000  
13 in annual tax credits for all approved community contributions  
14 made in any one year.

15            (c) The total amount of tax credit which may be  
16 granted for all programs approved under this section, s.  
17 212.08(5)(g), and s. 624.5105 is ~~\$20~~\$10 million annually.

18            (d) All proposals for the granting of the tax credit  
19 shall require the prior approval of the Office of Tourism,  
20 Trade, and Economic Development.

21            (e) If the credit granted pursuant to this section is  
22 not fully used in any one year because of insufficient tax  
23 liability on the part of the business firm, the unused amount  
24 may be carried forward for a period not to exceed 5 years. The  
25 carryover credit may be used in a subsequent year when the tax  
26 imposed by this chapter for such year exceeds the credit for  
27 such year under this section after applying the other credits  
28 and unused credit carryovers in the order provided in s.  
29 220.02(8).

30            (f) A taxpayer who files a Florida consolidated return  
31 as a member of an affiliated group pursuant to s. 220.131(1)

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1 may be allowed the credit on a consolidated return basis.

2 (g) A taxpayer who is eligible to receive the credit  
3 provided for in s. 624.5105 is not eligible to receive the  
4 credit provided by this section.

5 (2) ELIGIBILITY REQUIREMENTS.--

6 (a) All community contributions by a business firm  
7 shall be in the form specified in s. 220.03(1)(d).

8 (b) All community contributions must be reserved  
9 exclusively for use in projects as defined in s. 220.03(1)(t).  
10 The Office of Tourism, Trade, and Economic Development may  
11 reserve up to 50 percent of the available annual tax credits  
12 for housing for very-low-income households pursuant to s.  
13 420.9071(28), for the first 6 months of the fiscal year.

14 (c) The project must be undertaken by an "eligible  
15 sponsor," defined here as:

16 1. A community action program;

17 2. A nonprofit community-based ~~community~~ development  
18 organization whose mission is the provision of housing for  
19 low-income or very-low-income households or increasing  
20 entrepreneurial and job-development opportunities for  
21 low-income persons ~~corporation~~;

22 3. A neighborhood housing services corporation;

23 4. A local housing authority, created pursuant to  
24 chapter 421;

25 5. A community redevelopment agency, created pursuant  
26 to s. 163.356;

27 6. The Florida Industrial Development Corporation;

28 7. An historic preservation district agency or  
29 organization;

30 8. A regional workforce board ~~private industry~~  
31 ~~council~~;

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- 1           9. A direct-support organization as provided in s.  
2 240.551;
- 3           10. An enterprise zone development agency created  
4 pursuant to s. 290.0056 ~~s. 290.0057~~; ~~or~~
- 5           11. A community-based organization incorporated under  
6 chapter 617 which is recognized as educational, charitable, or  
7 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
8 Code and whose by-laws and articles of incorporation include  
9 affordable housing, economic development, or community  
10 development as the primary mission of the corporation;
- 11           12. Units of local government;
- 12           13. Units of state government; or
- 13           ~~14.11.~~ Such other agency as the Office of Tourism,  
14 Trade, and Economic Development may, from time to time,  
15 designate by rule.
- 16
- 17 In no event shall a contributing business firm have a  
18 financial interest in the eligible sponsor.
- 19           (d) The project shall be located in an area designated  
20 as an enterprise zone or a Front Porch Florida Community  
21 pursuant to s. 14.2015(9)(b) ~~pursuant to s. 290.0065~~. Any  
22 project designed to construct or rehabilitate housing for  
23 low-income or very-low-income households as defined in s.  
24 420.9071(19) and (28) ~~low-income housing~~ is exempt from the  
25 area requirement of this paragraph. This section does not  
26 preclude projects that propose to construct or rehabilitate  
27 housing for low-income or very-low-income households on  
28 scattered sites. Any project designed to provide increased  
29 access to high-speed broadband capabilities which includes  
30 coverage of a rural enterprise zone may locate the project's  
31 infrastructure in any area of a rural county.

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1           (3) APPLICATION REQUIREMENTS.--

2           (a) Any eligible sponsor wishing to participate in  
3 this program must submit a proposal to the Office of Tourism,  
4 Trade, and Economic Development which sets forth the sponsor,  
5 the project, the area in which the project is located, and  
6 such supporting information as may be prescribed by rule. The  
7 proposal shall also contain a resolution from the local  
8 governmental unit in which it is located certifying that the  
9 project is consistent with local plans and regulations.

10           (b) Any business wishing to participate in this  
11 program must submit an application for tax credit to the  
12 Office of Tourism, Trade, and Economic Development, which  
13 application sets forth the sponsor; the project; and the type,  
14 value, and purpose of the contribution. The sponsor shall  
15 verify the terms of the application and indicate its receipt  
16 of willingness to receive the contribution, ~~which verification~~  
17 ~~indicate its willingness to receive the contribution, which~~  
18 verification must ~~shall~~ be in writing and ~~shall~~ accompany the  
19 application for tax credit.

20           (c) The business firm must submit a separate  
21 application for tax credit for each individual contribution  
22 that ~~which~~ it makes ~~proposes to contribute~~ to each individual  
23 project.

24           (4) ADMINISTRATION.--

25           (a) The Office of Tourism, Trade, and Economic  
26 Development has authority to adopt rules pursuant to ss.  
27 120.536(1) and 120.54 to implement the provisions of this  
28 section, including rules for the approval or disapproval of  
29 proposals by business firms.

30           (b) The decision of the Office of Tourism, Trade, and  
31 Economic Development shall be in writing, and, if approved,

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1 the notification must ~~proposal shall~~ state the maximum credit  
2 allowable to the business firm. A copy of the decision shall  
3 be transmitted to the executive director of the Department of  
4 Revenue, who shall apply such credit to the tax liability of  
5 the business firm.

6 (c) The Office of Tourism, Trade, and Economic  
7 Development shall periodically monitor all projects in a  
8 manner consistent with available resources to ensure that  
9 resources are utilized in accordance with this section;  
10 however, each project shall be reviewed no less often than  
11 once every 2 years.

12 (d) The Department of Revenue has authority to adopt  
13 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
14 provisions of this section.

15 (e) The Office of Tourism, Trade, and Economic  
16 Development shall, in consultation with the Department of  
17 Community Affairs, the Florida Housing Finance Corporation,  
18 and the statewide and regional housing and financial  
19 intermediaries, market the availability of the community  
20 contribution tax credit program to community-based  
21 organizations.

22 Section 7. Section 288.018, Florida Statutes, is  
23 amended to read:

24 288.018 Regional Rural Development Grants Program.--

25 (1) The Office of Tourism, Trade, and Economic  
26 Development shall establish a matching grant program to  
27 provide funding to regionally based economic development  
28 organizations representing rural counties and communities for  
29 the purpose of building the professional capacity of their  
30 organizations. The Office of Tourism, Trade, and Economic  
31 Development is authorized to approve, on an annual basis,

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1 grants to such regionally based economic development  
2 organizations. The maximum amount an organization may receive  
3 in any year will be \$35,000, or \$100,000 in a rural area of  
4 critical economic concern recommended by the Rural Economic  
5 Development Initiative and designated by the Governor, and  
6 must be matched each year by an equivalent amount of nonstate  
7 resources.

8 (2) In approving the participants, the Office of  
9 Tourism, Trade, and Economic Development shall consider the  
10 demonstrated need of the applicant for assistance and require  
11 the following:

12 (a) Documentation of official commitments of support  
13 from each of the units of local government represented by the  
14 regional organization.

15 (b) Demonstration that each unit of local government  
16 has made a financial or in-kind commitment to the regional  
17 organization.

18 (c) Demonstration that the private sector has made  
19 financial or in-kind commitments to the regional organization.

20 (d) Demonstration that the organization is in  
21 existence and actively involved in economic development  
22 activities serving the region.

23 (e) Demonstration of the manner in which the  
24 organization is or will coordinate its efforts with those of  
25 other local and state organizations.

26 (3) The Office of Tourism, Trade, and Economic  
27 Development may also contract for the development of an  
28 enterprise zone web portal or web sites for each enterprise  
29 zone which will be used to market the program for job creation  
30 in disadvantaged urban and rural enterprise zones. Each  
31 enterprise zone web page should include downloadable links to

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1 state forms and information, as well as local message boards  
2 that help businesses and residents receive information  
3 concerning zone boundaries, job openings, zone programs, and  
4 neighborhood improvement activities.

5 (4)(3) The Office of Tourism, Trade, and Economic  
6 Development may expend up to \$750,000 ~~\$600,000~~ each fiscal  
7 year from funds appropriated to the Rural Community  
8 Development Revolving Loan Fund for the purposes outlined in  
9 this section. The Office of Tourism, Trade, and Economic  
10 Development may contract with Enterprise Florida, Inc., for  
11 the administration of the purposes specified in this section.  
12 Funds released to Enterprise Florida, Inc., for this purpose  
13 shall be released quarterly and shall be calculated based on  
14 the applications in process.

15 Section 8. Section 288.019, Florida Statutes, is  
16 created to read:

17 288.019 Rural considerations in grant review and  
18 evaluation processes.--Notwithstanding any other law, and to  
19 the fullest extent possible, the member agencies and  
20 organizations of the Rural Economic Development Initiative  
21 (REDI) as defined in s. 288.0656(6)(a) shall review all grant  
22 and loan application evaluation criteria to ensure the fullest  
23 access for rural counties as defined in s. 288.0656(2)(b) to  
24 resources available throughout the state.

25 (1) Each REDI agency and organization shall review all  
26 evaluation and scoring procedures and develop modifications to  
27 those procedures which minimize the impact of a project within  
28 a rural area.

29 (2) Evaluation criteria and scoring procedures must  
30 provide for an appropriate ranking based on the proportionate  
31 impact that projects have on a rural area when compared with

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1 similar project impacts on an urban area.

2 (3) Evaluation criteria and scoring procedures must  
3 recognize the disparity of available fiscal resources for an  
4 equal level of financial support from an urban county and a  
5 rural county.

6 (a) The evaluation criteria should weight contribution  
7 in proportion to the amount of funding available at the local  
8 level.

9 (b) In-kind match should be allowed and applied as  
10 financial match when a county is experiencing financial  
11 distress through elevated unemployment at a rate in excess of  
12 the state's average by 5 percentage points or because of the  
13 loss of its ad valorem base.

14 (4) For existing programs, the modified evaluation  
15 criteria and scoring procedure must be delivered to the Office  
16 of Tourism, Trade, and Economic Development for distribution  
17 to the REDI agencies and organizations. The REDI agencies and  
18 organizations shall review and make comments. Future rules,  
19 programs, evaluation criteria, and scoring processes must be  
20 brought before a REDI meeting for review, discussion, and  
21 recommendation to allow rural counties fuller access to the  
22 state's resources.

23 Section 9. Subsection (2) of section 288.065, Florida  
24 Statutes, is amended to read:

25 288.065 Rural Community Development Revolving Loan  
26 Fund.--

27 (2) The program shall provide for long-term loans,  
28 loan guarantees, and loan loss reserves to units of local  
29 governments, or economic development organizations  
30 substantially underwritten by a unit of local government,  
31 within counties with populations of 75,000 or less, or any

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1 county that has a population of 100,000 or less and is  
2 contiguous to a county with a population of 75,000 or less, as  
3 determined by the most recent official estimate pursuant to s.  
4 186.901, residing in incorporated and unincorporated areas of  
5 the county, or to units of local government, or economic  
6 development organizations substantially underwritten by a unit  
7 of local government, within a rural area of critical economic  
8 concern. Requests for loans shall be made by application to  
9 the Office of Tourism, Trade, and Economic Development. Loans  
10 shall be made pursuant to agreements specifying the terms and  
11 conditions agreed to between the applicant ~~local government~~  
12 and the Office of Tourism, Trade, and Economic Development.  
13 The loans shall be the legal obligations of the applicant  
14 ~~local government~~. All repayments of principal and interest  
15 shall be returned to the loan fund and made available for  
16 loans to other applicants. However, in a rural area of  
17 critical economic concern designated by the Governor, and upon  
18 approval by the Office of Tourism, Trade, and Economic  
19 Development, repayments of principal and interest may be  
20 retained by the applicant ~~a unit of local government~~ if such  
21 repayments are dedicated and matched to fund regionally based  
22 economic development organizations representing the rural area  
23 of critical economic concern.

24 Section 10. Subsection (6) of section 288.0656,  
25 Florida Statutes, is amended to read:

26 288.0656 Rural Economic Development Initiative.--

27 (6)(a) By ~~No later than~~ August 1 of each year, ~~1999~~,  
28 the head of each of the following agencies and organizations  
29 shall designate a high-level staff person from within the  
30 agency or organization to serve as the REDI representative for  
31 the agency or organization:

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- 1           1. The Department of Community Affairs.
- 2           2. The Department of Transportation.
- 3           3. The Department of Environmental Protection.
- 4           4. The Department of Agriculture and Consumer
- 5 Services.
- 6           5. The Department of State.
- 7           6. The Department of Health.
- 8           7. The Department of Children and Family Services.
- 9           8. The Department of Corrections.
- 10          9. The Agency for Workforce Innovation ~~Department of~~
- 11 ~~Labor and Employment Security.~~
- 12          10. The Department of Education.
- 13          11. The Department of Juvenile Justice.
- 14          ~~12.11.~~ The Fish and Wildlife Conservation Commission.
- 15          ~~13.12.~~ Each water management district.
- 16          ~~14.13.~~ Enterprise Florida, Inc.
- 17          15. Workforce Florida, Inc.
- 18          ~~16.14.~~ The Florida Commission on Tourism or VISIT
- 19 Florida.
- 20          ~~17.15.~~ The Florida Regional Planning Council
- 21 Association.
- 22          ~~18.16.~~ The Florida State Rural Development Council.
- 23          ~~19.17.~~ The Institute of Food and Agricultural Sciences
- 24 (IFAS).
- 25
- 26 An alternate for each designee shall also be chosen, and the
- 27 names of the designees and alternates shall be sent to the
- 28 director of the Office of Tourism, Trade, and Economic
- 29 Development.
- 30          (b) Each REDI representative must have comprehensive
- 31 knowledge of his or her agency's functions, both regulatory

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1 and service in nature, and of the state's economic goals,  
2 policies, and programs. This person shall be the primary point  
3 of contact for his or her agency with REDI on issues and  
4 projects relating to economically distressed rural communities  
5 and with regard to expediting project review, shall ensure a  
6 prompt effective response to problems arising with regard to  
7 rural issues, and shall work closely with the other REDI  
8 representatives in the identification of opportunities for  
9 preferential awards of program funds and allowances and waiver  
10 of program requirements when necessary to encourage and  
11 facilitate long-term private capital investment and job  
12 creation.

13 (c) The REDI representatives shall work with REDI in  
14 the review and evaluation of statutes and rules for adverse  
15 impact on rural communities and the development of alternative  
16 proposals to mitigate that impact.

17 (d) Each REDI representative shall be responsible for  
18 ensuring that each district office or facility of his or her  
19 agency is informed about the Rural Economic Development  
20 Initiative and for providing assistance throughout the agency  
21 in the implementation of REDI activities.

22 Section 11. Section 288.1088, Florida Statutes, is  
23 amended to read:

24 288.1088 Quick Action Closing Fund.--

25 (1)(a) The Legislature finds that attracting,  
26 retaining, and providing favorable conditions for the growth  
27 of certain high-impact business facilities, privately  
28 developed critical rural infrastructure, or key facilities in  
29 economically distressed urban or rural communities which  
30 provide ~~provides~~ widespread economic benefits to the public  
31 through high-quality employment opportunities in such

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1 facilities or ~~and~~ in related facilities attracted to the  
2 state, through the increased tax base provided by the  
3 high-impact facility and related businesses ~~in related~~  
4 ~~sectors~~, through an enhanced entrepreneurial climate in the  
5 state and the resulting business and employment opportunities,  
6 and through the stimulation and enhancement of the state's  
7 universities and community colleges. In the global economy,  
8 there exists serious and fierce international competition for  
9 these facilities, and in most instances, when all available  
10 resources for economic development have been used, the state  
11 continues to encounter severe competitive disadvantages in  
12 vying for these ~~high-impact~~ business facilities. Florida's  
13 rural areas must provide a competitive environment for  
14 business in the information age. This often requires an  
15 incentive to make it feasible for private investors to provide  
16 infrastructure in those areas.

17 (b) The Legislature therefore declares that sufficient  
18 resources shall be available to respond to extraordinary  
19 economic opportunities and to compete effectively for these  
20 high-impact business facilities, critical private  
21 infrastructure in rural areas, and key businesses in  
22 economically distressed urban or rural communities.

23 (2) There is created within the Office of Tourism,  
24 Trade, and Economic Development the Quick Action Closing Fund.

25 (3)(a) Enterprise Florida, Inc., shall evaluate  
26 individual proposals for high-impact business facilities and  
27 forward recommendations regarding the use of moneys in the  
28 fund for such facilities to the director of the Office of  
29 Tourism, Trade, and Economic Development. Such evaluation and  
30 recommendation must include, but need not be limited to:

31 1. A description of the type of facility or

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1 infrastructure, its operations ~~business operation~~, and the  
2 associated product or service associated with the facility.

3           2. The number of full-time-equivalent jobs that will  
4 be created by the facility and the total estimated average  
5 annual wages of those jobs or, in the case of privately  
6 developed rural infrastructure, the types of business  
7 activities and jobs stimulated by the investment.

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

10           4. A statement of any special impacts the facility is  
11 expected to stimulate in a particular business sector in the  
12 state or regional economy or in the state's universities and  
13 community colleges.

14           5. A statement of the role the incentive is expected  
15 to play in the decision of the applicant business to locate or  
16 expand in this state or for the private investor to provide  
17 critical rural infrastructure.

18           (b) Upon receipt of the evaluation and recommendation  
19 from Enterprise Florida, Inc., the director shall recommend  
20 approval or disapproval of a project for receipt of funds from  
21 the Quick Action Closing Fund to the Governor. In recommending  
22 a project ~~high-impact business facility~~, the director shall  
23 include proposed performance conditions that the project  
24 ~~facility~~ must meet to obtain incentive funds. The Governor  
25 shall consult with the President of the Senate and the Speaker  
26 of the House of Representatives before giving final approval  
27 for a project. The Executive Office of the Governor shall  
28 recommend approval of a project and release of funds pursuant  
29 to the legislative consultation and review requirements set  
30 forth in s. 216.177. The recommendation must include proposed  
31 performance conditions the project must meet to obtain funds.

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1           (c) Upon the approval of the Governor, the director of  
2 the Office of Tourism, Trade, and Economic Development and the  
3 ~~high-impact~~ business shall enter into a contract that sets  
4 forth the conditions for payment of moneys from the fund. The  
5 contract must include the total amount of funds awarded; the  
6 performance conditions that must be met to obtain the award,  
7 including, but not limited to, net new employment in the  
8 state, average salary, and total capital investment;  
9 demonstrate a baseline of current service and a measure of  
10 enhanced capability; the methodology for validating  
11 performance; the schedule of payments from the fund; and  
12 sanctions for failure to meet performance conditions.

13           (d) Enterprise Florida, Inc., shall validate  
14 contractor performance. Such validation shall be reported  
15 within 6 months after completion of the contract to the  
16 Governor, President of the Senate, and the Speaker of the  
17 House of Representatives.

18           Section 12. Subsection (2) of section 288.9015,  
19 Florida Statutes, is amended to read:

20           288.9015 Enterprise Florida, Inc.; purpose; duties.--

21           (2) It shall be the responsibility of Enterprise  
22 Florida, Inc., to aggressively market Florida's rural  
23 communities, ~~and~~ distressed urban communities, and enterprise  
24 zones as locations for potential new investment, to  
25 aggressively assist in the retention and expansion of existing  
26 businesses in these communities, and to aggressively assist  
27 these communities in the identification and development of new  
28 economic development opportunities for job creation, fully  
29 using state incentive programs such as the Qualified Target  
30 Industry Tax Refund Program under s. 288.106 and the Quick  
31 Action Closing Fund under s. 288.1088 in economically

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1 distressed areas.

2 Section 13. Section 290.004, Florida Statutes, is  
3 amended to read:

4 290.004 Definitions relating to Florida Enterprise  
5 Zone Act.--As used in ss. 290.001-290.016:

6 (1) "Community investment corporation" means a black  
7 business investment corporation, a certified development  
8 corporation, a small business investment corporation, or other  
9 similar entity incorporated under Florida law that has limited  
10 its investment policy to making investments solely in minority  
11 business enterprises.

12 (2) "Department" means the Department of Commerce.

13 (3) "Director" means the director of the Office of  
14 Tourism, Trade, and Economic Development.

15 (4) "Governing body" means the council or other  
16 legislative body charged with governing the county or  
17 municipality.

18 (5) "Interagency coordinating council" means the  
19 Enterprise Zone Interagency Coordinating Council created  
20 pursuant to s. 290.009.

21 (6) "Minority business enterprise" has the same  
22 meaning as in s. 288.703.

23 (7) "Office" means the Office of Tourism, Trade, and  
24 Economic Development.

25 (8) "Rural enterprise zone" means an enterprise zone  
26 that is nominated by a county having a population of 75,000 or  
27 fewer, or a county having a population of 100,000 or fewer  
28 which is contiguous to a county having a population of 75,000  
29 or fewer, or by a municipality in such a county, or by such a  
30 county and one or more municipalities. An enterprise zone  
31 designated in accordance with s. 370.28 or s. 290.0065(5)(b),

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1 is considered to be a rural enterprise zone.

2 (9)(8) "Secretary" means the Secretary of Commerce.

3 (10)(9) "Small business" has the same meaning as in s.  
4 288.703.

5 Section 14. Enterprise zone designation for Sarasota  
6 County or Sarasota County and Sarasota.--Sarasota County, or  
7 Sarasota County and the City of Sarasota jointly, may apply to  
8 the Office of Tourism, Trade, and Economic Development for  
9 designation of one enterprise zone within the county, or  
10 within both the county and the municipality, which zone  
11 encompasses an area that is south of the north county line,  
12 west of Tuttle Avenue, north of 10th Street, and east of U.S.  
13 Highway 41. The application must be submitted by December 31,  
14 2001, and must comply with the requirements of section  
15 290.0055, Florida Statutes. Notwithstanding the provisions of  
16 section 290.0065, Florida Statutes, limiting the total number  
17 of enterprise zones designated and the number of enterprise  
18 zones within a population category, the Office of Tourism,  
19 Trade, and Economic Development may designate one enterprise  
20 zone under this section. The Office of Tourism, Trade, and  
21 Economic Development shall establish the initial effective  
22 date of the enterprise zone designated under this section.

23 Section 15. Section 290.00555, Florida Statutes, is  
24 amended to read:

25 290.00555 Satellite enterprise zones.--~~Before December~~  
26 ~~31, 1999,~~Any municipality an area of which has previously  
27 received designation as an enterprise zone in the population  
28 category described in s. 290.0065(3)(a)3. may create a  
29 satellite enterprise zone not exceeding 1.5 square miles in  
30 area outside of and, notwithstanding anything contained in s.  
31 290.0055(4), or any other law, in addition to the previously

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1 designated enterprise zone boundaries. The Office of Tourism,  
2 Trade, and Economic Development shall amend the boundaries of  
3 the areas previously designated by any such municipality as  
4 enterprise zones upon receipt of a resolution adopted by the  
5 municipality describing the satellite enterprise zone areas,  
6 as long as the additional areas are consistent with the  
7 categories, criteria, and limitations imposed by s. 290.0055.  
8 However, the requirements imposed by s. 290.0055(4)(d) do not  
9 apply to such satellite enterprise zone areas.

10           Section 16. Satellite enterprise zones may be created  
11 pursuant to section 290.00555, Florida Statutes, effective  
12 retroactively to December 31, 1999. Resolutions adopted to  
13 create satellite enterprise zones under this section must be  
14 submitted to the Office of Tourism, Trade, and Economic  
15 Development no later than August 1, 2001. The Office of  
16 Tourism, Trade, and Economic Development must amend the  
17 boundaries of previously designated enterprise zones to create  
18 eligible satellite enterprise zones no later than September 1,  
19 2001. Notwithstanding the time limitations contained in  
20 chapter 212, Florida Statutes, a business in a satellite  
21 enterprise zone designated under this section which was  
22 eligible to receive tax incentives pursuant to section  
23 212.08(5)(g) and (h) and section 212.096, Florida Statutes,  
24 during the period beginning December 31, 1999, and ending on  
25 the date of the creation of the satellite enterprise zone,  
26 must submit an application for the tax incentives by December  
27 1, 2001. All other requirements of the enterprise zone program  
28 apply to such a business.

29           Section 17. Section 290.0065, Florida Statutes, is  
30 amended to read:

31           290.0065 State designation of enterprise zones.--

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1           (1) Upon application of the governing body of a county  
2 or municipality or of a county and one or more municipalities  
3 jointly pursuant to s. 290.0055, Enterprise Florida, Inc., and  
4 the office department, in consultation with the interagency  
5 coordinating council, shall determine which areas nominated by  
6 such governing bodies meet the criteria outlined in s.  
7 290.0055 and are the most appropriate for designation as state  
8 enterprise zones. The office department is authorized to  
9 designate up to 5 areas within each of the categories  
10 established in subparagraphs (3)(a)1., 2., 3., 4., and 5.,  
11 except that the office department may only designate a total  
12 of 20 areas as enterprise zones. The office department shall  
13 not designate more than three enterprise zones in any one  
14 county. All designations, including any provision for  
15 redesignations, of state enterprise zones pursuant to this  
16 section shall be effective July 1, 1995.

17           (2) Each application made pursuant to s. 290.0055  
18 shall be ranked competitively within the appropriate category  
19 established pursuant to subsection (3) based on the pervasive  
20 poverty, unemployment, and general distress of the area; the  
21 strategic plan, including local fiscal and regulatory  
22 incentives, prepared pursuant to s. 290.0057; and the  
23 prospects for new investment and economic development in the  
24 area. Pervasive poverty, unemployment, and general distress  
25 shall be weighted 35 percent; strategic plan and local fiscal  
26 and regulatory incentives shall be weighted 40 percent; and  
27 prospects for new investment and economic development in the  
28 area shall be weighted 25 percent.

29           (3)(a) Each area designated as an enterprise zone  
30 pursuant to this section shall be placed in one of the  
31 following categories based on the 1990 census:

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- 1           1. Communities consisting of census tracts in areas
- 2 having a total population of 150,000 persons or more.
- 3           2. Communities consisting of census tracts in areas
- 4 having a total population of 50,000 persons or more but less
- 5 than 150,000 persons.
- 6           3. Communities having a population of 20,000 persons
- 7 or more but less than 50,000 persons.
- 8           4. Communities having a population of 7,500 persons or
- 9 more but less than 20,000 persons.
- 10          5. Communities having a population of less than 7,500
- 11 persons.
- 12          (b) Any area authorized to be an enterprise zone by
- 13 both a county and a municipality shall be placed in the
- 14 appropriate category established under paragraph (a) in which
- 15 an application by the municipality would have been considered
- 16 if the municipality had acted alone, if at least 60 percent of
- 17 the population of the area authorized to be an enterprise zone
- 18 resides within the municipality. An area authorized to be an
- 19 enterprise zone by a county and one or more municipalities
- 20 shall be placed in the category in which an application by the
- 21 municipality with the highest percentage of residents in such
- 22 area would have been considered if such municipality had
- 23 authorized the area to be an enterprise zone. An area
- 24 authorized to be an enterprise zone by a county as defined by
- 25 s. 125.011(1) shall be placed in the category in which an
- 26 application by the municipality in which the area is located
- 27 would have been considered if the municipality had authorized
- 28 such area to be an enterprise zone. An area authorized to be
- 29 an enterprise zone by a county as defined by s. 125.011(1)
- 30 which area is located in two or more municipalities shall be
- 31 placed in the category in which an application by the

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1 municipality with the highest percentage of residents in such  
2 area would have been considered if such municipality had  
3 authorized such area to be an enterprise zone.

4 (4)(a) Notwithstanding s. 290.0055, any area existing  
5 as a state enterprise zone as of the effective date of this  
6 section and originally approved through a joint application  
7 from a county and municipality, or through an application from  
8 a county as defined in s. 125.011(1), shall be redesignated as  
9 a state enterprise zone upon the creation of an enterprise  
10 zone development agency pursuant to s. 290.0056 and the  
11 completion of a strategic plan pursuant to s. 290.0057. Any  
12 area redesignated pursuant to this subsection, other than an  
13 area located in a county defined in s. 125.011(1), may be  
14 relocated or modified by the appropriate governmental bodies.  
15 Such relocation or modification shall be identified in the  
16 strategic plan and shall meet the requirements for designation  
17 as established by s. 290.005. Any relocation or modification  
18 shall be submitted on or before June 1, 1996.

19 (b) The office ~~department~~ shall place any area  
20 designated as a state enterprise zone pursuant to this  
21 subsection in the appropriate category established in  
22 subsection (3), and include such designations within the  
23 limitations on state enterprise zone designations set out in  
24 subsection (1).

25 (c) Any county or municipality having jurisdiction  
26 over an area designated as a state enterprise zone pursuant to  
27 this subsection, other than a county defined by s. 125.011(1),  
28 may not apply for designation of another area.

29 (5) Notwithstanding s. 290.0055, an area designated as  
30 a federal empowerment zone or enterprise community pursuant to  
31 Title XIII of the Omnibus Budget Reconciliation Act of 1993,

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1 the Taxpayer Relief Act of 1997, or the 1999 Agricultural  
2 Appropriations Act shall be designated a state enterprise zone  
3 as follows:

4 (a) An area designated as an urban empowerment zone or  
5 urban enterprise community pursuant to Title XIII of the  
6 Omnibus Budget Reconciliation Act of 1993 or the Taxpayer  
7 Relief Act of 1997 shall be designated a state enterprise zone  
8 by the office ~~department~~ upon completion of the requirements  
9 set out in paragraph (d), except in the case of a county as  
10 defined in s. 125.011(1) which, notwithstanding s. 290.0055,  
11 may incorporate and include such designated urban empowerment  
12 zone or urban enterprise community areas within the boundaries  
13 of its state enterprise zones without any limitation as to  
14 size.

15 (b) An area designated as a rural empowerment zone or  
16 rural enterprise community pursuant to Title XIII of the  
17 Omnibus Budget Reconciliation Act of 1993 or the 1999  
18 Agricultural Appropriations Act shall be designated a state  
19 rural enterprise zone by the office ~~department~~ upon completion  
20 of the requirements set out in paragraph (d) and may  
21 incorporate and include such designated rural empowerment zone  
22 or rural enterprise community within the boundaries of its  
23 state enterprise zones without any limitation as to size.

24 (c) Any county or municipality having jurisdiction  
25 over an area designated as a state enterprise zone pursuant to  
26 this subsection, other than a county defined in s. 125.011(1),  
27 may not apply for designation of another area.

28 (d) Prior to designating such areas as state  
29 enterprise zones, the office ~~department~~ shall ensure that the  
30 governing body having jurisdiction over the zone submits the  
31 strategic plan required pursuant to 7 C.F.R. part 25 or 24

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1 C.F.R. part 597 to the office department, and creates an  
2 enterprise zone development agency pursuant to s. 290.0056.

3 (e) The office department shall place any area  
4 designated as a state enterprise zone pursuant to this  
5 subsection in the appropriate category established in  
6 subsection (3), and include such designations within the  
7 limitations on state enterprise zone designations set out in  
8 subsection (1).

9 (6)(a) The office department, in consultation with  
10 Enterprise Florida, Inc., and the interagency coordinating  
11 council, may develop guidelines ~~shall promulgate any rules~~  
12 necessary for the approval of areas under this section by the  
13 director ~~secretary~~.

14 (b) Such guidelines ~~rules~~ shall provide for the  
15 measurement of pervasive poverty, unemployment, and general  
16 distress using the criteria outlined by s. 290.0058.

17 (c) Such guidelines ~~rules~~ shall provide for the  
18 evaluation of the strategic plan and local fiscal and  
19 regulatory incentives for effectiveness, including how the  
20 following key principles will be implemented by the governing  
21 body or bodies:

22 1. Economic opportunity, including job creation within  
23 the community and throughout the region, as well as  
24 entrepreneurial initiatives, small business expansion, and  
25 training for jobs that offer upward mobility.

26 2. Sustainable community development that advances the  
27 creation of livable and vibrant communities through  
28 comprehensive approaches that coordinate economic, physical,  
29 community, and human development.

30 3. Community-based partnerships involving the  
31 participation of all segments of the community.

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1           4. Strategic vision for change that identifies how the  
2 community will be revitalized. This vision should include  
3 methods for building on community assets and coordinate a  
4 response to community needs in a comprehensive fashion. This  
5 vision should provide goals and performance benchmarks for  
6 measuring progress and establish a framework for evaluating  
7 and adjusting the strategic plan.

8           5. Local fiscal and regulatory incentives enacted  
9 pursuant to s. 290.0057(1)(e). These incentives should induce  
10 economic revitalization, including job creation and small  
11 business expansion.

12           (d) Such guidelines may ~~rules shall~~ provide methods  
13 for evaluating the prospects for new investment and economic  
14 development in the area, including a review and evaluation of  
15 any previous state enterprise zones located in the area.

16           (7) Upon approval by the director ~~secretary~~ of a  
17 resolution authorizing an area to be an enterprise zone  
18 pursuant to this section, the office ~~department~~ shall assign a  
19 unique identifying number to that resolution. The office  
20 ~~department~~ shall provide the Department of Revenue and  
21 Enterprise Florida, Inc., with a copy of each resolution  
22 approved, together with its identifying number.

23           (8)(a) Notwithstanding s. 290.0055, any area existing  
24 as a state enterprise zone as of December 30, 1994, which has  
25 received at least \$1 million in state community development  
26 funds and at least \$500,000 in federal community development  
27 funds, which has less than 300 businesses located within the  
28 boundaries of the enterprise zone, and which has been  
29 designated by the United States Department of Agriculture as a  
30 "Champion Community" shall be redesignated as a state  
31 enterprise zone upon the creation of an enterprise zone

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1 development agency pursuant to s. 290.0056 and the completion  
2 of a strategic plan pursuant to s. 290.0057.

3 (b) Such designation shall be in addition to the  
4 limitations of state enterprise zone designation set out in  
5 subsection (1).

6 ~~(9) The Office of Tourism, Trade, and Economic~~  
7 ~~Development may amend the boundaries of any enterprise zone~~  
8 ~~designated by the state pursuant to this section, consistent~~  
9 ~~with the categories, criteria, and limitations imposed in this~~  
10 ~~section upon the establishment of such enterprise zone and~~  
11 ~~only if consistent with the determinations made in s.~~  
12 ~~290.0058(2).~~

13 (9)~~(10)~~ Before December 31, 1998, the governing body  
14 of a county in which an enterprise zone designated pursuant to  
15 paragraph (5)(b) is located may apply to the Office of  
16 Tourism, Trade, and Economic Development to amend the  
17 boundaries of the enterprise zone for the purpose of replacing  
18 areas not suitable for development. The Office of Tourism,  
19 Trade, and Economic Development shall approve the application  
20 if it does not increase the overall size of the enterprise  
21 zone. Except that upon the request of the governing body of a  
22 home rule charter county, or any county the government of  
23 which has been consolidated with the government of one or more  
24 municipalities in accordance with s. 9, Art. VIII of the State  
25 Constitution of 1885, as preserved by s. 6(e), Art. VIII of  
26 the State Constitution as revised in 1968 and subsequently  
27 amended, the Office of Tourism, Trade, and Economic  
28 Development may amend the boundaries of an area designated as  
29 an enterprise zone upon the receipt of a resolution adopted by  
30 such governing body describing the amended boundaries, so long  
31 as the added area does not increase the overall size of the

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1 expanded zone more than its original size or 20 square miles,  
2 whichever is larger, and is consistent with the categories,  
3 criteria, and limitations imposed by s. 290.0055.

4 (10)~~(11)~~ Before December 31, 1999, any county as  
5 defined in s. 125.011(1) may create a satellite enterprise  
6 zone not exceeding 3 square miles in area outside of and,  
7 notwithstanding anything contained in s. 290.0055(4) or  
8 elsewhere, in addition to the previously designated 20 square  
9 miles of enterprise zones. The Office of Tourism, Trade, and  
10 Economic Development shall amend the boundaries of the areas  
11 previously designated by any such county as enterprise zones  
12 upon the receipt of a resolution adopted by such governing  
13 body describing the satellite enterprise zone, as long as the  
14 additional area is consistent with the categories, criteria,  
15 and limitations imposed by s. 290.0055, provided that the  
16 20-square-mile limitation and the requirements imposed by s.  
17 290.0055(4)(d) do not apply to such satellite enterprise zone.

18 Section 18. Section 290.00676, Florida Statutes, is  
19 created to read:

20 290.00676 Amendment of rural enterprise zone  
21 boundaries.--Notwithstanding any other law, upon  
22 recommendation by Enterprise Florida, Inc., the Office of  
23 Tourism, Trade, and Economic Development may approve requests  
24 to amend the boundaries of rural enterprise zones as defined  
25 in s. 290.004(8). Boundary amendments authorized by this  
26 section are subject to the following requirements:

27 (1) The amendment may increase the size of the rural  
28 enterprise zone up to a maximum zone size of 20 square miles.

29 (2) The amendment may increase the zone's number of  
30 noncontiguous areas by one, if the additional noncontiguous  
31 area has zero population. For purposes of this subsection, the

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1 pervasive poverty criteria may be set aside for the addition  
2 of a noncontiguous area.

3 (3) The local enterprise zone development agency must  
4 request the amendment from Enterprise Florida, Inc., prior to  
5 December 30, 2001. The request must contain maps and  
6 sufficient information to allow the office to determine the  
7 number of noncontiguous areas and the total size of the rural  
8 enterprise zone.

9 Section 19. Section 290.00677, Florida Statutes, is  
10 created to read:

11 290.00677 Rural enterprise zones; special  
12 qualifications.--

13 (1) Notwithstanding the enterprise zone residency  
14 requirements set out in s. 212.096(1)(c), eligible businesses  
15 as defined by s. 212.096(1)(a), located in rural enterprise  
16 zones as defined by s. 290.004, may receive the basic minimum  
17 credit provided under s. 212.096 for creating a new job and  
18 hiring a person residing within the jurisdiction of a rural  
19 county, as defined by s. 288.106(1)(r). All other provisions  
20 of s. 212.096, including, but not limited to, those relating  
21 to the award of enhanced credits, apply to such businesses.

22 (2) Notwithstanding the enterprise zone residency  
23 requirements set out in s. 220.03(1)(q), eligible businesses  
24 as defined by s. 212.096(1)(a), located in rural enterprise  
25 zones as defined in s. 290.004, may receive the basic minimum  
26 credit provided under s. 220.181 for creating a new job and  
27 hiring a person residing within the jurisdiction of a rural  
28 county, as defined by s. 288.106(1)(r). All other provisions  
29 of s. 220.181, including, but not limited to, those relating  
30 to the award of enhanced credits apply to such businesses.

31 Section 20. Section 290.00694, Florida Statutes, is

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1 created to read:

2 290.00694 Enterprise zone designation for rural  
3 communities.--An area designated as a rural champion community  
4 under the Taxpayer Relief Act of 1997 or a community within a  
5 designated rural area of critical economic concern under s.  
6 288.0656 may submit an application to Enterprise Florida,  
7 Inc., for review and recommendation to the office for  
8 designation as an enterprise zone. The application must be  
9 submitted by December 31, 2001. Notwithstanding the provisions  
10 of s. 290.0065 limiting the total number of enterprise zones  
11 designated and the number of enterprise zones within a  
12 population category, the Office of Tourism, Trade, and  
13 Economic Development may designate enterprise zones under this  
14 section. Upon completion of the requirements set out in s.  
15 290.0065(5)(d), the Office of Tourism, Trade, and Economic  
16 Development shall establish the initial effective date of the  
17 enterprise zones designated pursuant to this section. Only one  
18 community in each county in a rural area of critical economic  
19 concern may be designated as an enterprise zone.

20 Section 21. Subsection (3) of section 290.007, Florida  
21 Statutes, is amended to read:

22 290.007 State incentives available in enterprise  
23 zones.--The following incentives are provided by the state to  
24 encourage the revitalization of enterprise zones:

25 (3) The community contribution tax credits provided in  
26 ss. 212.08,220.183,and 624.5105.

27 Section 22. Subsection (7) is added to section  
28 290.048, Florida Statutes, to read:

29 290.048 General powers of Department of Community  
30 Affairs under ss. 290.0401-290.049.--The department has all  
31 the powers necessary or appropriate to carry out the purposes

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1 and provisions of the program, including the power to:

2 (7) Establish advisory committees and solicit  
3 participation in designing, administering, and evaluating the  
4 program and in linking the program with other housing and  
5 community development resources.

6 Section 23. Section 290.049, Florida Statutes, is  
7 repealed.

8 Section 24. Subsection (4) of section 370.28, Florida  
9 Statutes, is repealed.

10 Section 25. Subsection (39) is added to section  
11 420.507, Florida Statutes, to read:

12 420.507 Powers of the corporation.--The corporation  
13 shall have all the powers necessary or convenient to carry out  
14 and effectuate the purposes and provisions of this part,  
15 including the following powers which are in addition to all  
16 other powers granted by other provisions of this part:

17 (39) To create recognition programs to honor  
18 individuals, community-based development organizations, units  
19 of local government, or others who have demonstrated the  
20 ideals of community stewardship and increased access to  
21 housing for low-income households, including economically  
22 distressed areas. Such programs may incorporate certificates  
23 of recognition by the Governor and may include presentation by  
24 the Governor or his representative.

25 Section 26. Subsections (1), (2), (4), and (5) of  
26 section 624.5105, Florida Statutes, are amended to read:

27 624.5105 Community contribution tax credit;  
28 authorization; limitations; eligibility and application  
29 requirements; administration; definitions; expiration.--

30 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

31 (a) There shall be allowed a credit of 50 percent of a

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1 community contribution against any tax due for a calendar year  
2 under s. 624.509 or s. 624.510.

3 (b) No insurer shall receive more than \$200,000 in  
4 annual tax credits for all approved community contributions  
5 made in any one year.

6 (c) The total amount of tax credit which may be  
7 granted for all programs approved under this section, s.  
8 212.08(5)(g), and s. 220.183 is ~~\$20~~<sup>\$10</sup> million annually.

9 (d) Each proposal for the granting of such tax credit  
10 requires the prior approval of the director.

11 (e) If the credit granted pursuant to this section is  
12 not fully used in any one year because of insufficient tax  
13 liability on the part of the insurer, the unused amount may be  
14 carried forward for a period not to exceed 5 years. The  
15 carryover credit may be used in a subsequent year when the tax  
16 imposed by s. 624.509 or s. 624.510 for such year exceeds the  
17 credit under this section for such year.

18 (2) ELIGIBILITY REQUIREMENTS.--

19 (a) Each community contribution by an insurer must be  
20 in a form specified in subsection (5).

21 (b) Each community contribution must be reserved  
22 exclusively for use in a project as defined in s.  
23 220.03(1)(t).

24 (c) The project must be undertaken by an "eligible  
25 sponsor," ~~as which term is defined in s. 220.183(2)(c).~~ ~~as~~

26 ~~1. A community action program;~~

27 ~~2. A community development corporation;~~

28 ~~3. A neighborhood housing services corporation;~~

29 ~~4. A local housing authority created pursuant to~~  
30 ~~chapter 421;~~

31 ~~5. A community redevelopment agency created pursuant~~

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- 1 ~~to s. 163.356;~~  
2 ~~6. The Florida Industrial Development Corporation;~~  
3 ~~7. A historic preservation district agency or~~  
4 ~~organization;~~  
5 ~~8. A private industry council;~~  
6 ~~9. An enterprise zone development agency created~~  
7 ~~pursuant to s. 290.0057; or~~  
8 ~~10. Such other agency as the director may, from time~~  
9 ~~to time, designate by rule.~~

10

11 In no event shall a contributing insurer have a financial  
12 interest in the eligible sponsor.

13 (d) The project shall be located in an area designated  
14 as an enterprise zone or a Front Porch Community pursuant to  
15 s. 14.2015(9)(b)~~s. 290.0065~~. Any project designed to  
16 construct or rehabilitate housing for low-income or  
17 very-low-income households as defined in s. 420.9071(19) and  
18 ~~(28) low-income housing~~ is exempt from the area requirement of  
19 this paragraph.

20 (4) ADMINISTRATION.--

21 (a)1. The Office of Tourism, Trade, and Economic  
22 Development is authorized to adopt all rules necessary to  
23 administer this section, including rules for the approval or  
24 disapproval of proposals by insurers.

25 2. The decision of the director shall be in writing,  
26 and, if approved, the proposal shall state the maximum credit  
27 allowable to the insurer. A copy of the decision shall be  
28 transmitted to the executive director of the Department of  
29 Revenue, who shall apply such credit to the tax liability of  
30 the insurer.

31 3. The office shall monitor all projects periodically,

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1 in a manner consistent with available resources to ensure that  
2 resources are utilized in accordance with this section;  
3 however, each project shall be reviewed no less frequently  
4 than once every 2 years.

5 4. The Office of Tourism, Trade, and Economic  
6 Development shall, in consultation with the Department of  
7 Community Affairs, the Florida Housing Finance Corporation,  
8 and the statewide and regional housing and financial  
9 intermediaries, market the availability of the community  
10 contribution tax credit program to community-based  
11 organizations.

12 (b) The Department of Revenue shall adopt any rules  
13 necessary to ensure the orderly implementation and  
14 administration of this section.

15 (5) DEFINITIONS.--For the purpose of this section:

16 (a) "Community contribution" means the grant by an  
17 insurer of any of the following items:

- 18 1. Cash or other liquid assets.
- 19 2. Real property.
- 20 3. Goods or inventory.
- 21 4. Other physical resources which are identified by  
22 the department.

23 (b) "Director" means the director of the Office of  
24 Tourism, Trade, and Economic Development.

25 (c) "Local government" means any county or  
26 incorporated municipality in the state.

27 (d) "Office" means the Office of Tourism, Trade, and  
28 Economic Development.

29 (e) "Project" means an activity as defined in s.  
30 220.03(1)(t) or the provision of educational programs and  
31 materials by an eligible sponsor.~~any activity undertaken by~~

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1 ~~an eligible sponsor, as defined in subsection (2), which is~~  
2 ~~designed to construct, improve, or substantially rehabilitate~~  
3 ~~housing or commercial, industrial, or public resources and~~  
4 ~~facilities or to improve entrepreneurial and job-development~~  
5 ~~opportunities for low-income persons.~~

6 Section 27. Except as otherwise expressly provided in  
7 this act, this act shall take effect July 1, 2001.

8  
9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, line 1 through page 3, line 29  
13 remove from the title of the bill: all of said lines

14  
15 and insert in lieu thereof:

16 A bill to be entitled  
17 An act relating to economic development;  
18 amending s. 212.08, F.S.; revising certain  
19 procedures and conditions relating to the sales  
20 tax exemption for enterprise-zone building  
21 materials and business property; extending the  
22 community contribution tax credit provisions of  
23 the enterprise zone program to the state sales  
24 tax; amending s. 212.096, F.S.; redefining the  
25 terms "eligible business" and "new employee";  
26 defining the terms "jobs" and "new job has been  
27 created"; revising the computation procedures  
28 of the enterprise-zone jobs credit against  
29 sales tax; amending s. 212.098, F.S.;  
30 redefining the term "eligible business";  
31 defining the term "qualified area"; deleting

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1 provisions ranking qualified counties; limiting  
2 the amount of tax credits available during any  
3 one calendar year; providing for reduction or  
4 waiver of certain financial match requirements  
5 in rural areas by Rural Economic Development  
6 Initiative agencies and organizations; amending  
7 s. 220.03, F.S.; redefining the terms "new  
8 employee" and "project"; defining the terms  
9 "new job has been created" and "jobs"; amending  
10 s. 220.181, F.S.; revising the computation  
11 procedures of the enterprise-zone job credit  
12 against the corporate income tax; amending s.  
13 220.183, F.S.; revising the eligibility,  
14 application, and administrative requirements of  
15 the community contribution corporate income tax  
16 credit program; increasing the limitation on  
17 annual credits; amending s. 288.018, F.S.;  
18 revising administration and uses of the  
19 Regional Rural Development Grants Program;  
20 creating s. 288.019, F.S.; providing for a  
21 review and evaluation process of rural grants  
22 by Rural Economic Development Initiative  
23 agencies; amending s. 288.065, F.S.; expanding  
24 the scope of the Rural Community Revolving Loan  
25 Fund Program; amending s. 288.0656, F.S.;  
26 revising the membership of the Rural Economic  
27 Development Initiative; requiring an annual  
28 designation of staff representatives; amending  
29 s. 288.1088, F.S.; expanding eligible uses of  
30 the Quick Action Closing Fund; amending s.  
31 288.9015, F.S.; revising the duties of

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1 Enterprise Florida, Inc.; amending s. 290.004,  
2 F.S.; defining the term "rural enterprise  
3 zone"; authorizing the Office of Tourism,  
4 Trade, and Economic Development to designate an  
5 enterprise zone in Sarasota County; providing  
6 requirements with respect thereto; amending s.  
7 290.00555, F.S.; removing the December 31,  
8 1999, deadline for creation of satellite  
9 enterprise zones by certain municipalities and  
10 authorizing creation of such zones effective  
11 retroactively to that date; providing duties of  
12 the Office of Tourism, Trade, and Economic  
13 Development; providing an application deadline  
14 for businesses in such zones eligible for  
15 certain sales and use tax incentives; amending  
16 s. 290.0065, F.S.; providing for certain rural  
17 enterprise zones; conforming agency references  
18 to changes in program administration;  
19 authorizing the Office of Tourism, Trade, and  
20 Economic Development in consultation with  
21 Enterprise Florida, Inc., to develop guidelines  
22 relating to the designation of enterprise  
23 zones; creating s. 290.00676, F.S.; authorizing  
24 the Office of Tourism, Trade, and Economic  
25 Development to amend the boundaries of a rural  
26 enterprise zone and providing requirements with  
27 respect thereto; creating s. 290.00677, F.S.;  
28 modifying the employee residency requirements  
29 for the enterprise-zone job credit against the  
30 sales tax and corporate income tax if the  
31 business is located in a rural enterprise zone;

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1           creating s. 290.00694, F.S.; authorizing the  
2           Office of Tourism, Trade, and Economic  
3           Development to designate rural champion  
4           communities as enterprise zones; providing  
5           requirements with respect thereto; amending s.  
6           290.007, F.S.; revising the list of enterprise  
7           zone incentives to reflect the creation of a  
8           community contribution sales tax credit  
9           program; amending s. 290.048, F.S.; authorizing  
10          the Department of Community Affairs to  
11          establish advisory committees and solicit  
12          participation with respect to administering the  
13          Florida Small Cities Community Development  
14          Block Grant Program; repealing s. 290.049,  
15          F.S., relating to the Community Development  
16          Block Grant Advisory Council; repealing s.  
17          370.28(4), F.S., which provides conditions for  
18          tax incentives in enterprise zone net-ban  
19          communities; amending s. 420.507, F.S.;  
20          authorizing the Florida Housing Finance  
21          Corporation to create a recognition program to  
22          support affordable housing; amending s.  
23          624.5105, F.S.; increasing the annual  
24          limitation on community contribution tax  
25          credits; conforming definitions; revising  
26          eligibility and administrative requirements;  
27          providing effective dates.

28  
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