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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Kilmer offered the following:

Amendment (with title amendment)

Remove: everything after the enacting clause,

and insert:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.--

(3)

(b) The total amount of tax refund claims approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy estimates ~~projections~~ by the office for tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated

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1 for tax refunds for the fiscal year by the estimated ~~projected~~
2 total of refund claims for the fiscal year. The amount of each
3 claim for a tax refund shall be multiplied by the resulting
4 quotient. If, after the payment of all such refund claims,
5 funds remain in the Economic Development Incentives Account
6 for tax refunds, the office shall recalculate the proportion
7 for each refund claim and adjust the amount of each claim
8 accordingly.

9 (c) By December 31 ~~September 30~~ of each year,
10 Enterprise Florida, Inc., the Office of Tourism, Trade, and
11 ~~Economic Development~~ shall submit a complete and detailed
12 report to the Governor, the President of the Senate, the
13 Speaker of the House of Representatives, and the director of
14 the Office of Tourism, Trade, and Economic Development board
15 ~~of directors of Enterprise Florida, Inc., created under part~~
16 ~~VII of this chapter,~~ of all applications received,
17 recommendations made to the Office of Tourism, Trade, and
18 Economic Development, final decisions issued, tax refund
19 agreements executed, and tax refunds paid or other payments
20 made under all programs funded out of the Economic Development
21 Incentives Account, including analyses of benefits and costs,
22 types of projects supported, and employment and investment
23 created. Enterprise Florida, Inc., The Office of Tourism,
24 ~~Trade, and Economic Development~~ shall also include a separate
25 analysis of the impact of such tax refunds on state enterprise
26 zones designated pursuant to s. 290.0065, rural communities,
27 brownfield areas, and distressed urban communities. By
28 ~~December 1~~ of each year, ~~the board of directors of Enterprise~~
29 ~~Florida, Inc., shall review and comment on the report, and the~~
30 ~~board shall submit the report, together with the comments of~~
31 ~~the board, to the Governor, the President of the Senate, and~~

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1 ~~the Speaker of the House of Representatives.~~The report must
2 discuss whether the authority and moneys appropriated by the
3 Legislature to the Economic Development Incentives Account
4 were managed and expended in a prudent, fiducially sound
5 manner. The Office of Tourism, Trade, and Economic Development
6 shall assist Enterprise Florida, Inc., in the collection of
7 data related to business performance and incentive payments.

8 Section 2. Section 288.1045, Florida Statutes, is
9 amended to read:

10 288.1045 Qualified defense contractor tax refund
11 program.--

12 (1) DEFINITIONS.--As used in this section:

13 (a) "Consolidation of a Department of Defense
14 contract" means the consolidation of one or more of an
15 applicant's facilities under one or more Department of Defense
16 contracts either from outside this state or from inside and
17 outside this state, into one or more of the applicant's
18 facilities inside this state.

19 (b) "Average wage in the area" means the average of
20 all wages and salaries in the state, the county, or in the
21 standard metropolitan area in which the business unit is
22 located.

23 (c) "Applicant" means any business entity that holds a
24 valid Department of Defense contract or any business entity
25 that is a subcontractor under a valid Department of Defense
26 contract or any business entity that holds a valid contract
27 for the reuse of a defense-related facility, including all
28 members of an affiliated group of corporations as defined in
29 s. 220.03(1)(b).

30 (d) "Office" means the Office of Tourism, Trade, and
31 Economic Development.

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1 (e) "Department of Defense contract" means a
2 competitively bid Department of Defense contract or
3 subcontract or a competitively bid federal agency contract or
4 subcontract issued on behalf of the Department of Defense for
5 manufacturing, assembling, fabricating, research, development,
6 or design with a duration of 2 or more years, but excluding
7 any contract to provide goods, improvements to real or
8 tangible property, or services directly to or for any
9 particular military base or installation in this state. The
10 term includes contracts for products for military use which
11 contracts are approved by the United States Department of
12 Defense or the United States Department of State.

13 (f) "New Department of Defense contract" means a
14 Department of Defense contract entered into after the date
15 application for certification as a qualified applicant is made
16 and after January 1, 1994.

17 (g) "Jobs" means full-time equivalent positions,
18 consistent with the use of such terms by the Agency for
19 Workforce Innovation ~~Department of Labor and Employment~~
20 Security for the purpose of unemployment compensation tax,
21 resulting directly from a project in this state. This number
22 does not include temporary construction jobs involved with the
23 construction of facilities for the project.

24 (h) "Nondefense production jobs" means employment
25 exclusively for activities that, directly or indirectly, are
26 unrelated to the Department of Defense.

27 (i) "Project" means any business undertaking in this
28 state under a new Department of Defense contract,
29 consolidation of a Department of Defense contract, or
30 conversion of defense production jobs over to nondefense
31 production jobs or reuse of defense-related facilities.

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1 (j) "Qualified applicant" means an applicant that has
2 been approved by the director to be eligible for tax refunds
3 pursuant to this section.

4 (k) "Director" means the director of the Office of
5 Tourism, Trade, and Economic Development.

6 (l) "Taxable year" means the same as in s.
7 220.03(1)(z).

8 (m) "Fiscal year" means the fiscal year of the state.

9 (n) "Business unit" means an employing unit, as
10 defined in s. 443.036, that is registered with the Agency for
11 Workforce Innovation ~~Department of Labor and Employment~~
12 ~~Security~~ for unemployment compensation purposes or means a
13 subcategory or division of an employing unit that is accepted
14 by the Agency for Workforce Innovation ~~Department of Labor and~~
15 ~~Employment Security~~ as a reporting unit.

16 (o) "Local financial support" means funding from local
17 sources, public or private, which is paid to the Economic
18 Development Trust Fund and which is equal to 20 percent of the
19 annual tax refund for a qualified applicant. Local financial
20 support may include excess payments made to a utility company
21 under a designated program to allow decreases in service by
22 the utility company under conditions, regardless of when
23 application is made. A qualified applicant may not provide,
24 directly or indirectly, more than 5 percent of such funding in
25 any fiscal year. The sources of such funding may not include,
26 directly or indirectly, state funds appropriated from the
27 General Revenue Fund or any state trust fund, excluding tax
28 revenues shared with local governments pursuant to law.

29 (p) "Contract for reuse of a defense-related facility"
30 means a contract with a duration of 2 or more years for the
31 use of a facility for manufacturing, assembling, fabricating,

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1 research, development, or design of tangible personal
2 property, but excluding any contract to provide goods,
3 improvements to real or tangible property, or services
4 directly to or for any particular military base or
5 installation in this state. Such facility must be located
6 within a port, as defined in s. 313.21, and have been occupied
7 by a business entity that held a valid Department of Defense
8 contract or occupied by any branch of the Armed Forces of the
9 United States, within 1 year of any contract being executed
10 for the reuse of such facility. A contract for reuse of a
11 defense-related facility may not include any contract for
12 reuse of such facility for any Department of Defense contract
13 for manufacturing, assembling, fabricating, research,
14 development, or design.

15 (q) "Local financial support exemption option" means
16 the option to exercise an exemption from the local financial
17 support requirement available to any applicant whose project
18 is located in a county designated by the Rural Economic
19 Development Initiative, if the county commissioners of the
20 county in which the project will be located adopt a resolution
21 requesting that the applicant's project be exempt from the
22 local financial support requirement. Any applicant that
23 exercises this option is not eligible for more than 80 percent
24 of the total tax refunds allowed such applicant under this
25 section.

26 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

27 (a) There shall be allowed, from the Economic
28 Development Trust Fund, a refund to a qualified applicant for
29 the amount of eligible taxes certified by the director which
30 were paid by such qualified applicant. The total amount of
31 refunds for all fiscal years for each qualified applicant

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1 shall be determined pursuant to subsection (3). The annual
2 amount of a refund to a qualified applicant shall be
3 determined pursuant to subsection (5).

4 (b) A qualified applicant may not be qualified for any
5 project to receive more than \$5,000 times the number of jobs
6 provided in the tax refund agreement pursuant to subparagraph
7 (4)(a)1. A qualified applicant may not receive refunds of more
8 than 25 percent of the total tax refunds provided in the tax
9 refund agreement pursuant to subparagraph (4)(a)1. in any
10 fiscal year, provided that no qualified applicant may receive
11 more than \$2.5 million in tax refunds pursuant to this section
12 in any fiscal year.

13 (c) A qualified applicant may not receive more than
14 \$7.5 million in tax refunds pursuant to this section in all
15 fiscal years.

16 (d) Contingent upon an annual appropriation by the
17 Legislature, the director may approve not more in tax refunds
18 than the amount appropriated to the Economic Development Trust
19 Fund for tax refunds, for a fiscal year pursuant to subsection
20 (5) and s. 288.095.

21 (e) For the first 6 months of each fiscal year, the
22 director shall set aside 30 percent of the amount appropriated
23 for refunds pursuant to this section by the Legislature to
24 provide tax refunds only to qualified applicants who employ
25 500 or fewer full-time employees in this state. Any
26 unencumbered funds remaining undisbursed from this set-aside
27 at the end of the 6-month period may be used to provide tax
28 refunds for any qualified applicants pursuant to this section.

29 (f) After entering into a tax refund agreement
30 pursuant to subsection (4), a qualified applicant may receive
31 refunds from the Economic Development Trust Fund for the

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1 following taxes due and paid by the qualified applicant
2 beginning with the applicant's first taxable year that begins
3 after entering into the agreement:

4 1. Taxes on sales, use, and other transactions paid
5 pursuant to chapter 212.

6 2. Corporate income taxes paid pursuant to chapter
7 220.

8 3. Intangible personal property taxes paid pursuant to
9 chapter 199.

10 4. Emergency excise taxes paid pursuant to chapter
11 221.

12 5. Excise taxes paid on documents pursuant to chapter
13 201.

14 6. Ad valorem taxes paid, as defined in s.
15 220.03(1)(a) on June 1, 1996.

16
17 However, a qualified applicant may not receive a tax refund
18 pursuant to this section for any amount of credit, refund, or
19 exemption granted such contractor for any of such taxes. If a
20 refund for such taxes is provided by the office, which taxes
21 are subsequently adjusted by the application of any credit,
22 refund, or exemption granted to the qualified applicant other
23 than that provided in this section, the qualified applicant
24 shall reimburse the Economic Development Trust Fund for the
25 amount of such credit, refund, or exemption. A qualified
26 applicant must notify and tender payment to the office within
27 20 days after receiving a credit, refund, or exemption, other
28 than that provided in this section.

29 (g) Any qualified applicant who fraudulently claims
30 this refund is liable for repayment of the refund to the
31 Economic Development Trust Fund plus a mandatory penalty of

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1 200 percent of the tax refund which shall be deposited into
2 the General Revenue Fund. Any qualified applicant who
3 fraudulently claims this refund commits a felony of the third
4 degree, punishable as provided in s. 775.082, s. 775.083, or
5 s. 775.084.

6 (h) Funds made available pursuant to this section may
7 not be expended in connection with the relocation of a
8 business from one community to another community in this state
9 unless the Office of Tourism, Trade, and Economic Development
10 determines that without such relocation the business will move
11 outside this state or determines that the business has a
12 compelling economic rationale for the relocation which creates
13 additional jobs.

14 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
15 DETERMINATION.--

16 (a) To apply for certification as a qualified
17 applicant pursuant to this section, an applicant must file an
18 application with the office which satisfies the requirements
19 of paragraphs (b) and (e), paragraphs (c) and (e), or
20 paragraphs (d) and (e). An applicant may not apply for
21 certification pursuant to this section after a proposal has
22 been submitted for a new Department of Defense contract, after
23 the applicant has made the decision to consolidate an existing
24 Department of Defense contract in this state for which such
25 applicant is seeking certification, or after the applicant has
26 made the decision to convert defense production jobs to
27 nondefense production jobs for which such applicant is seeking
28 certification.

29 (b) Applications for certification based on the
30 consolidation of a Department of Defense contract or a new
31 Department of Defense contract must be submitted to the office

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1 as prescribed by the office and must include, but are not
2 limited to, the following information:

3 1. The applicant's federal employer identification
4 number, the applicant's Florida sales tax registration number,
5 and a notarized signature of an officer of the applicant.

6 2. The permanent location of the manufacturing,
7 assembling, fabricating, research, development, or design
8 facility in this state at which the project is or is to be
9 located.

10 3. The Department of Defense contract numbers of the
11 contract to be consolidated, the new Department of Defense
12 contract number, or the "RFP" number of a proposed Department
13 of Defense contract.

14 4. The date the contract was executed or is expected
15 to be executed, and the date the contract is due to expire or
16 is expected to expire.

17 5. The commencement date for project operations under
18 the contract in this state.

19 6. The number of net new full-time equivalent Florida
20 jobs included in this state which are or will be dedicated to
21 the project as of December 31 of each during the year and the
22 average wage of such jobs.

23 7. The total number of full-time equivalent employees
24 employed by the applicant in this state.

25 8. The percentage of the applicant's gross receipts
26 derived from Department of Defense contracts during the 5
27 taxable years immediately preceding the date the application
28 is submitted.

29 9. The amount of:

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

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- 1 b. Corporate income taxes paid pursuant to chapter
- 2 220;
- 3 c. Intangible personal property taxes paid pursuant to
- 4 chapter 199;
- 5 d. Emergency excise taxes paid pursuant to chapter
- 6 221;
- 7 e. Excise taxes paid on documents pursuant to chapter
- 8 201; and
- 9 f. Ad valorem taxes paid

10

11 during the 5 fiscal years immediately preceding the date of

12 the application, and the projected amounts of such taxes to be

13 due in the 3 fiscal years immediately following the date of

14 the application.

15 10. The estimated amount of tax refunds to be claimed

16 for ~~in~~ each fiscal year.

17 11. A brief statement concerning the applicant's need

18 for tax refunds, and the proposed uses of such refunds by the

19 applicant.

20 12. A resolution adopted by the county commissioners

21 of the county in which the project will be located, which

22 recommends the applicant be approved as a qualified applicant,

23 and which indicates that the necessary commitments of local

24 financial support for the applicant exist. Prior to the

25 adoption of the resolution, the county commission may review

26 the proposed public or private sources of such support and

27 determine whether the proposed sources of local financial

28 support can be provided or, for any applicant whose project is

29 located in a county designated by the Rural Economic

30 Development Initiative, a resolution adopted by the county

31 commissioners of such county requesting that the applicant's

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1 project be exempt from the local financial support
2 requirement.

3 13. Any additional information requested by the
4 office.

5 (c) Applications for certification based on the
6 conversion of defense production jobs to nondefense production
7 jobs must be submitted to the office as prescribed by the
8 office and must include, but are not limited to, the following
9 information:

10 1. The applicant's federal employer identification
11 number, the applicant's Florida sales tax registration number,
12 and a notarized signature of an officer of the applicant.

13 2. The permanent location of the manufacturing,
14 assembling, fabricating, research, development, or design
15 facility in this state at which the project is or is to be
16 located.

17 3. The Department of Defense contract numbers of the
18 contract under which the defense production jobs will be
19 converted to nondefense production jobs.

20 4. The date the contract was executed, and the date
21 the contract is due to expire or is expected to expire, or was
22 canceled.

23 5. The commencement date for the nondefense production
24 operations in this state.

25 6. The number of net new full-time equivalent Florida
26 jobs included in this state which are or will be dedicated to
27 the nondefense production project as of December 31 of each
28 during the year and the average wage of such jobs.

29 7. The total number of full-time equivalent employees
30 employed by the applicant in this state.

31 8. The percentage of the applicant's gross receipts

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1 derived from Department of Defense contracts during the 5
2 taxable years immediately preceding the date the application
3 is submitted.

4 9. The amount of:

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

7 b. Corporate income taxes paid pursuant to chapter
8 220;

9 c. Intangible personal property taxes paid pursuant to
10 chapter 199;

11 d. Emergency excise taxes paid pursuant to chapter
12 221;

13 e. Excise taxes paid on documents pursuant to chapter
14 201; and

15 f. Ad valorem taxes paid
16

17 during the 5 fiscal years immediately preceding the date of
18 the application, and the projected amounts of such taxes to be
19 due in the 3 fiscal years immediately following the date of
20 the application.

21 10. The estimated amount of tax refunds to be claimed
22 for ~~in~~ each fiscal year.

23 11. A brief statement concerning the applicant's need
24 for tax refunds, and the proposed uses of such refunds by the
25 applicant.

26 12. A resolution adopted by the county commissioners
27 of the county in which the project will be located, which
28 recommends the applicant be approved as a qualified applicant,
29 and which indicates that the necessary commitments of local
30 financial support for the applicant exist. Prior to the
31 adoption of the resolution, the county commission may review

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1 the proposed public or private sources of such support and
2 determine whether the proposed sources of local financial
3 support can be provided or, for any applicant whose project is
4 located in a county designated by the Rural Economic
5 Development Initiative, a resolution adopted by the county
6 commissioners of such county requesting that the applicant's
7 project be exempt from the local financial support
8 requirement.

9 13. Any additional information requested by the
10 office.

11 (d) Applications for certification based on a contract
12 for reuse of a defense-related facility must be submitted to
13 the office as prescribed by the office and must include, but
14 are not limited to, the following information:

15 1. The applicant's Florida sales tax registration
16 number and a notarized signature of an officer of the
17 applicant.

18 2. The permanent location of the manufacturing,
19 assembling, fabricating, research, development, or design
20 facility in this state at which the project is or is to be
21 located.

22 3. The business entity holding a valid Department of
23 Defense contract or branch of the Armed Forces of the United
24 States that previously occupied the facility, and the date
25 such entity last occupied the facility.

26 4. A copy of the contract to reuse the facility, or
27 such alternative proof as may be prescribed by the office that
28 the applicant is seeking to contract for the reuse of such
29 facility.

30 5. The date the contract to reuse the facility was
31 executed or is expected to be executed, and the date the

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- 1 contract is due to expire or is expected to expire.
- 2 6. The commencement date for project operations under
3 the contract in this state.
- 4 7. The number of net new full-time equivalent Florida
5 jobs included ~~in this state which are or will be dedicated to~~
6 the project as of December 31 of each ~~during the~~ year and the
7 average wage of such jobs.
- 8 8. The total number of full-time equivalent employees
9 employed by the applicant in this state.
- 10 9. The amount of:
- 11 a. Taxes on sales, use, and other transactions paid
12 pursuant to chapter 212.
- 13 b. Corporate income taxes paid pursuant to chapter
14 220.
- 15 c. Intangible personal property taxes paid pursuant to
16 chapter 199.
- 17 d. Emergency excise taxes paid pursuant to chapter
18 221.
- 19 e. Excise taxes paid on documents pursuant to chapter
20 201.
- 21 f. Ad valorem taxes paid during the 5 fiscal years
22 immediately preceding the date of the application, and the
23 projected amounts of such taxes to be due in the 3 fiscal
24 years immediately following the date of the application.
- 25 10. The estimated amount of tax refunds to be claimed
26 for ~~in~~ each fiscal year.
- 27 11. A brief statement concerning the applicant's need
28 for tax refunds, and the proposed uses of such refunds by the
29 applicant.
- 30 12. A resolution adopted by the county commissioners
31 of the county in which the project will be located, which

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1 recommends the applicant be approved as a qualified applicant,
2 and which indicates that the necessary commitments of local
3 financial support for the applicant exist. Prior to the
4 adoption of the resolution, the county commission may review
5 the proposed public or private sources of such support and
6 determine whether the proposed sources of local financial
7 support can be provided or, for any applicant whose project is
8 located in a county designated by the Rural Economic
9 Development Initiative, a resolution adopted by the county
10 commissioners of such county requesting that the applicant's
11 project be exempt from the local financial support
12 requirement.

13 13. Any additional information requested by the
14 office.

15 (e) To qualify for review by the office, the
16 application of an applicant under paragraph (b), paragraph
17 (c), or paragraph (d) must, at a minimum, establish the
18 following to the satisfaction of the office:

19 1. The jobs proposed to be provided under the
20 application, pursuant to subparagraph (b)6. or subparagraph
21 (c)6., must pay an estimated annual average wage equaling at
22 least 115 percent of the average wage in the area where the
23 project is to be located.

24 2. The consolidation of a Department of Defense
25 contract must result in a net increase of at least 25 percent
26 in the number of jobs at the applicant's facilities in this
27 state or the addition of at least 80 jobs at the applicant's
28 facilities in this state.

29 3. The conversion of defense production jobs to
30 nondefense production jobs must result in net increases in
31 nondefense employment at the applicant's facilities in this

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1 state.

2 4. The Department of Defense contract cannot allow the
3 business to include the costs of relocation or retooling in
4 its base as allowable costs under a cost-plus, or similar,
5 contract.

6 5. A business unit of the applicant must have derived
7 not less than 60 ~~70~~ percent of its gross receipts in this
8 state from Department of Defense contracts over the
9 applicant's last fiscal year, and must have derived not less
10 than an average of 60 ~~80~~ percent of its gross receipts in this
11 state from Department of Defense contracts over the 5 years
12 preceding the date an application is submitted pursuant to
13 this section. This subparagraph does not apply to any
14 application for certification based on a contract for reuse of
15 a defense-related facility.

16 6. The reuse of a defense-related facility must result
17 in the creation of at least 100 jobs at such facility.

18 (f) Each application meeting the requirements of
19 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
20 (d) and (e) must be submitted to the office for a
21 determination of eligibility. The office shall review,
22 evaluate, and score each application based on, but not limited
23 to, the following criteria:

24 1. Expected contributions to the state strategic
25 economic development plan adopted by Enterprise Florida, Inc.,
26 taking into account the extent to which the project
27 contributes to the state's high-technology base, and the
28 long-term impact of the project and the applicant on the
29 state's economy.

30 2. The economic benefit of the jobs created or
31 retained by the project in this state, taking into account the

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1 cost and average wage of each job created or retained, and the
2 potential risk to existing jobs.

3 3. The amount of capital investment to be made by the
4 applicant in this state.

5 4. The local commitment and support for the project
6 and applicant.

7 5. The impact of the project on the local community,
8 taking into account the unemployment rate for the county where
9 the project will be located.

10 6. The dependence of the local community on the
11 defense industry.

12 7. The impact of any tax refunds granted pursuant to
13 this section on the viability of the project and the
14 probability that the project will occur in this state if such
15 tax refunds are granted to the applicant, taking into account
16 the expected long-term commitment of the applicant to economic
17 growth and employment in this state.

18 8. The length of the project, or the expected
19 long-term commitment to this state resulting from the project.

20 (g) The office shall forward its written findings and
21 evaluation on each application meeting the requirements of
22 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
23 (d) and (e) to the director within 60 calendar days after ~~of~~
24 receipt of a complete application. The office shall notify
25 each applicant when its application is complete, and when the
26 60-day period begins. In its written report to the director,
27 the office shall specifically address each of the factors
28 specified in paragraph (f), and shall make a specific
29 assessment with respect to the minimum requirements
30 established in paragraph (e). The office shall include in its
31 report projections of the tax refunds the applicant would be

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1 ~~eligible to receive refund claims that will be sought by the~~
2 ~~applicant~~ in each fiscal year based on the creation and
3 maintenance of the net new Florida jobs specified in
4 subparagraph (b)6., subparagraph (c)6., or subparagraph (d)7.
5 as of December 31 of the preceding state fiscal year
6 ~~information submitted in the application.~~

7 (h) Within 30 days after receipt of the office's
8 findings and evaluation, the director shall enter a final
9 order that either approves or disapproves an application. The
10 decision must be in writing and provide the justifications for
11 either approval or disapproval. If appropriate, the director
12 shall enter into a written agreement with the qualified
13 applicant pursuant to subsection (4).

14 (i) The director may not enter any final order that
15 certifies any applicant as a qualified applicant when the
16 value of tax refunds to be included in that final order
17 exceeds the available amount of authority to enter final
18 orders as determined in s. 288.095(3). A final order that
19 approves an application must specify the maximum amount of a
20 tax refund that is to be available to the contractor for in
21 each fiscal year and the total amount of tax refunds for all
22 fiscal years.

23 (j) This section does not create a presumption that an
24 applicant should receive any tax refunds under this section.

25 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
26 AGREEMENT.--

27 (a) A qualified applicant shall enter into a written
28 agreement with the office containing, but not limited to, the
29 following:

30 1. The total number of full-time equivalent jobs in
31 this state that are or will be dedicated to the qualified

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1 applicant's project, the average wage of such jobs, the
2 definitions that will apply for measuring the achievement of
3 these terms during the pendency of the agreement, and a time
4 schedule or plan for when such jobs will be in place and
5 active in this state. ~~This information must be the same as the~~
6 ~~information contained in the application submitted by the~~
7 ~~contractor pursuant to subsection (3).~~

8 2. The maximum amount of a refund that the qualified
9 applicant is eligible to receive for in each fiscal year,
10 based on the job creation or retention and maintenance
11 schedule specified in subparagraph 1.

12 3. An agreement with the office allowing the office to
13 review and verify the financial and personnel records of the
14 qualified applicant to ascertain whether the qualified
15 applicant is complying with the requirements of this section.

16 4. The date by after which, in each fiscal year, the
17 qualified applicant may file a ~~an annual~~ claim pursuant to
18 subsection (5) to be considered to receive a tax refund in the
19 following fiscal year.

20 5. That local financial support shall be annually
21 available and will be paid to the Economic Development Trust
22 Fund.

23 (b) Compliance with the terms and conditions of the
24 agreement is a condition precedent for receipt of tax refunds
25 each year. The failure to comply with the terms and conditions
26 of the agreement shall result in the loss of eligibility for
27 receipt of all tax refunds previously authorized pursuant to
28 this section, and the revocation of the certification as a
29 qualified applicant by the director, unless the applicant is
30 eligible to receive and elects to accept a prorated refund
31 under paragraph (5)(g) or the office grants the applicant an

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1 economic-stimulus exemption.

2 1. A qualified applicant may submit, in writing, a
3 request to the office for an economic-stimulus exemption. The
4 request must provide quantitative evidence demonstrating how
5 negative economic conditions in the applicant's industry
6 prevented the applicant from complying with the terms and
7 conditions of its tax refund agreement.

8 2. Upon receipt of a request under subparagraph 1.,
9 the director shall have 45 days to notify the requesting
10 applicant, in writing, whether its exemption has been granted
11 or denied. In determining whether an exemption should be
12 granted, the director shall consider the extent to which
13 negative economic conditions in the requesting applicant's
14 industry prevented the applicant from complying with the terms
15 and conditions of its tax refund agreement.

16 3. As a condition for receiving a prorated refund
17 under paragraph (5)(g) or an economic-stimulus exemption under
18 this paragraph, a qualified applicant must agree to
19 renegotiate its tax refund agreement with the office to, at a
20 minimum, ensure that the terms of the agreement comply with
21 current law and office procedures governing application for
22 and award of tax refunds. Upon approving the award of a
23 prorated refund or granting an economic-stimulus exemption,
24 the office shall renegotiate the tax refund agreement with the
25 applicant as required by this subparagraph. When amending the
26 agreement of an applicant receiving an economic-stimulus
27 exemption, the office may extend the duration of the agreement
28 for a period not to exceed 1 year.

29 4. A qualified applicant may submit a request for an
30 economic-stimulus exemption to the office in lieu of any tax
31 refund claim scheduled to be submitted after June 30, 2001,

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1 but before July 1, 2003.

2 5. A qualified applicant that receives an
3 economic-stimulus exemption may not receive a tax refund for
4 the period covered by the exemption.

5 (c) The agreement shall be signed by the director and
6 the authorized officer of the qualified applicant.

7 (d) The agreement must contain the following legend,
8 clearly printed on its face in bold type of not less than 10
9 points:

10

11 "This agreement is neither a general obligation
12 of the State of Florida, nor is it backed by
13 the full faith and credit of the State of
14 Florida. Payment of tax refunds are conditioned
15 on and subject to specific annual
16 appropriations by the Florida Legislature of
17 funds sufficient to pay amounts authorized in
18 s. 288.1045, Florida Statutes."
19

20

21 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
22 CONTRACTOR.--

23 (a) To be eligible to claim any scheduled tax refund,
24 qualified applicants who have entered into a written agreement
25 with the office pursuant to subsection (4) and who have
26 entered into a valid new Department of Defense contract,
27 commenced the consolidation of a Department of Defense
28 contract, commenced the conversion of defense production jobs
29 to nondefense production jobs, or ~~who have~~ entered into a
30 valid contract for reuse of a defense-related facility must
31 may apply by January 31 of ~~once~~ each fiscal year to the office
for tax refunds scheduled to be paid from the appropriation

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1 for the fiscal year that begins on July 1 following the
2 January 31 claims-submission date. The office may, upon
3 written request, grant a 30-day extension of the filing date.

4 ~~The application must be made on or after the date contained in~~
5 ~~the agreement entered into pursuant to subsection (4) and must~~
6 include a notarized signature of an officer of the applicant.

7 (b) The claim for refund by the qualified applicant
8 must include a copy of all receipts pertaining to the payment
9 of taxes for which a refund is sought, and data related to
10 achieving each performance item contained in the tax refund
11 agreement pursuant to subsection (4). The amount requested as
12 a tax refund may not exceed the amount for the relevant fiscal
13 year in the written agreement entered pursuant to subsection
14 (4).

15 (c) A tax refund may not be approved for any qualified
16 applicant unless local financial support has been paid to the
17 Economic Development Trust Fund for ~~in~~ that refund fiscal
18 ~~year~~. If the local financial support is less than 20 percent
19 of the approved tax refund, the tax refund shall be reduced.
20 The tax refund paid may not exceed 5 times the local financial
21 support received. Funding from local sources includes tax
22 abatement under s. 196.1995 provided to a qualified applicant.
23 The amount of any tax refund for an applicant approved under
24 this section shall be reduced by the amount of any such tax
25 abatement, and the limitations in subsection (2) and paragraph
26 (3)(h) shall be reduced by the amount of any such tax
27 abatement. A report listing all sources of the local financial
28 support shall be provided to the office when such support is
29 paid to the Economic Development Trust Fund.

30 (d) The director, with assistance from the office, the
31 Department of Revenue, and the Agency for Workforce Innovation

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1 ~~Department of Labor and Employment Security, shall, by June 30~~
2 ~~following the scheduled date for submitting the tax refund~~
3 ~~claim, specify by written order the approval or disapproval of~~
4 ~~the tax refund claim and, if approved, determine the amount of~~
5 ~~the tax refund that is authorized to be paid to for the~~
6 ~~qualified applicant for the fiscal year in a written final~~
7 ~~order within 30 days after the date the claim for the annual~~
8 ~~tax refund is received by the office. The office may grant an~~
9 ~~extension of this date upon the request of the qualified~~
10 ~~applicant for the purpose of filing additional information in~~
11 ~~support of the claim.~~

12 (e) The total amount of tax refunds approved by the
13 director under this section in any fiscal year may not exceed
14 the amount appropriated to the Economic Development Trust Fund
15 for such purposes for the fiscal year. If the Legislature does
16 not appropriate an amount sufficient to satisfy projections by
17 the office for tax refunds in a fiscal year, the director
18 shall, not later than July 15 of such year, determine the
19 proportion of each refund claim which shall be paid by
20 dividing the amount appropriated for tax refunds for the
21 fiscal year by the projected total amount of refund claims for
22 the fiscal year. The amount of each claim for a tax refund
23 shall be multiplied by the resulting quotient. If, after the
24 payment of all such refund claims, funds remain in the
25 Economic Development Trust Fund for tax refunds, the director
26 shall recalculate the proportion for each refund claim and
27 adjust the amount of each claim accordingly.

28 (f) Upon approval of the tax refund pursuant to
29 paragraphs (c) and (d), the Comptroller shall issue a warrant
30 for the amount included in the final order. In the event of
31 any appeal of the final order, the Comptroller may not issue a

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1 warrant for a refund to the qualified applicant until the
2 conclusion of all appeals of the final order.

3 (g) A prorated tax refund, less a 5 percent penalty,
4 shall be approved for a qualified applicant provided all other
5 applicable requirements have been satisfied and the applicant
6 proves to the satisfaction of the director that it has
7 achieved at least 80 percent of its projected employment and
8 that the average wage paid by the applicant is at least 90
9 percent of the average wage specified in the tax refund
10 agreement, but in no case less than 115 percent of the average
11 private-sector wage in the area available at the time of
12 certification. The prorated tax refund shall be calculated by
13 multiplying the tax refund amount for which the qualified
14 applicant would have been eligible, if all applicable
15 requirements had been satisfied, by the percentage of the
16 average employment specified in the tax refund agreement which
17 was achieved, and by the percentage of the average wages
18 specified in the tax refund agreement which was achieved.

19 (h) This section does not create a presumption that a
20 tax refund claim will be approved and paid.

21 (6) ADMINISTRATION.--

22 (a) The office may adopt rules pursuant to chapter 120
23 for the administration of this section.

24 (b) The office may verify information provided in any
25 claim submitted for tax credits under this section with regard
26 to employment and wage levels or the payment of the taxes with
27 the appropriate agency or authority including the Department
28 of Revenue, the Department of Labor and Employment Security,
29 or any local government or authority.

30 (c) To facilitate the process of monitoring and
31 auditing applications made under this program, the office may

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1 provide a list of qualified applicants to the Department of
2 Revenue, to the Agency for Workforce Innovation ~~Department of~~
3 ~~Labor and Employment Security~~, or to any local government or
4 authority. The office may request the assistance of said
5 entities with respect to monitoring jobs, wages, and the
6 payment of the taxes listed in subsection (2).

7 (d) By December 1 of each year, the office shall
8 submit a complete and detailed report to the Governor, the
9 President of the Senate, and the Speaker of the House of
10 Representatives of all tax refunds paid under this section,
11 including analyses of benefits and costs, types of projects
12 supported, employment and investment created, geographic
13 distribution of tax refunds granted, and minority business
14 participation. The report must indicate whether the moneys
15 appropriated by the Legislature to the qualified applicant tax
16 refund program were expended in a prudent, fiducially sound
17 manner.

18 (e) Funds specifically appropriated for the tax refund
19 program under this section may not be used for any purpose
20 other than the payment of tax refunds authorized by this
21 section.

22 (7) EXPIRATION.--An applicant may not be certified as
23 qualified under this section after June 30, 2004.

24 Section 3. Paragraphs (a) and (d) of subsection (3),
25 paragraphs (a), (b), and (c) of subsection (4), and
26 subsections (5) and (6) of section 288.106, Florida Statutes,
27 are amended, and subsection (7) of said section is reenacted,
28 to read:

29 288.106 Tax refund program for qualified target
30 industry businesses.--

31 (3) APPLICATION AND APPROVAL PROCESS.--

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1 (a) To apply for certification as a qualified target
2 industry business under this section, the business must file
3 an application with the office before the business has made
4 the decision to locate a new business in this state or before
5 the business had made the decision to expand an existing
6 business in this state. The application shall include, but is
7 not limited to, the following information:

8 1. The applicant's federal employer identification
9 number and the applicant's state sales tax registration
10 number.

11 2. The permanent location of the applicant's facility
12 in this state at which the project is or is to be located.

13 3. A description of the type of business activity or
14 product covered by the project, including four-digit SIC codes
15 for all activities included in the project.

16 4. The number of net new full-time equivalent Florida
17 jobs at the qualified target industry business as of December
18 31 of each year included in this state that are or will be
19 ~~dedicated to~~ the project and the average wage of those jobs.
20 If more than one type of business activity or product is
21 included in the project, the number of jobs and average wage
22 for those jobs must be separately stated for each type of
23 business activity or product.

24 5. The total number of full-time equivalent employees
25 employed by the applicant in this state.

26 6. The anticipated commencement date of the project.

27 7. A brief statement concerning the role that the tax
28 refunds requested will play in the decision of the applicant
29 to locate or expand in this state.

30 8. An estimate of the proportion of the sales
31 resulting from the project that will be made outside this

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1 state.

2 9. A resolution adopted by the governing board of the
3 county or municipality in which the project will be located,
4 which resolution recommends that certain types of businesses
5 be approved as a qualified target industry business and states
6 that the commitments of local financial support necessary for
7 the target industry business exist. In advance of the passage
8 of such resolution, the office may also accept an official
9 letter from an authorized local economic development agency
10 that endorses the proposed target industry project and pledges
11 that sources of local financial support for such project
12 exist. For the purposes of making pledges of local financial
13 support under this subsection, the authorized local economic
14 development agency shall be officially designated by the
15 passage of a one-time resolution by the local governing
16 authority.

17 10. Any additional information requested by the
18 office.

19 (d) The office shall forward its written findings and
20 evaluation concerning each application meeting the
21 requirements of paragraph (b) to the director within 45
22 calendar days after receipt of a complete application. The
23 office shall notify each target industry business when its
24 application is complete, and of the time when the 45-day
25 period begins. In its written report to the director, the
26 office shall specifically address each of the factors
27 specified in paragraph (c) and shall make a specific
28 assessment with respect to the minimum requirements
29 established in paragraph (b). The office shall include in its
30 report projections of the tax refunds the business would be
31 eligible to receive ~~refund claim that will be sought by the~~

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1 ~~target industry business~~ in each fiscal year based on the
2 creation and maintenance of the net new Florida jobs specified
3 in subparagraph (a)4. as of December 31 of the preceding state
4 fiscal year information submitted in the application.

5 (4) TAX REFUND AGREEMENT.--

6 (a) Each qualified target industry business must enter
7 into a written agreement with the office which specifies, at a
8 minimum:

9 1. The total number of full-time equivalent jobs in
10 this state that will be dedicated to the project, the average
11 wage of those jobs, the definitions that will apply for
12 measuring the achievement of these terms during the pendency
13 of the agreement, and a time schedule or plan for when such
14 jobs will be in place and active in this state. ~~This~~
15 ~~information must be the same as the information contained in~~
16 ~~the application submitted by the business under subsection~~
17 ~~(3).~~

18 2. The maximum amount of tax refunds which the
19 qualified target industry business is eligible to receive on
20 the project and the maximum amount of a tax refund that the
21 qualified target industry business is eligible to receive for
22 in each fiscal year, based on the job creation and maintenance
23 schedule specified in subparagraph 1.

24 3. That the office may review and verify the financial
25 and personnel records of the qualified target industry
26 business to ascertain whether that business is in compliance
27 with this section.

28 4. The date by ~~after~~ which, in each fiscal year, the
29 qualified target industry business may file a an annual claim
30 under subsection (5) to be considered to receive a tax refund
31 in the following fiscal year.

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1 5. That local financial support will be annually
2 available and will be paid to the account. The director may
3 not enter into a written agreement with a qualified target
4 industry business if the local financial support resolution is
5 not passed by the local governing authority within 90 days
6 after he or she has issued the letter of certification under
7 subsection (3).

8 (b) Compliance with the terms and conditions of the
9 agreement is a condition precedent for the receipt of a tax
10 refund each year. The failure to comply with the terms and
11 conditions of the tax refund agreement results in the loss of
12 eligibility for receipt of all tax refunds previously
13 authorized under this section and the revocation by the
14 director of the certification of the business entity as a
15 qualified target industry business, unless the business is
16 eligible to receive and elects to accept a prorated refund
17 under paragraph (5)(d) or the office grants the business an
18 economic-stimulus exemption.

19 1. A qualified target industry business may submit, in
20 writing, a request to the office for an economic-stimulus
21 exemption. The request must provide quantitative evidence
22 demonstrating how negative economic conditions in the
23 business's industry prevented the business from complying with
24 the terms and conditions of its tax refund agreement.

25 2. Upon receipt of a request under subparagraph 1.,
26 the director shall have 45 days to notify the requesting
27 business, in writing, whether its exemption has been granted
28 or denied. In determining whether an exemption should be
29 granted, the director shall consider the extent to which
30 negative economic conditions in the requesting business's
31 industry prevented the business from complying with the terms

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1 and conditions of its tax refund agreement.

2 3. As a condition for receiving a prorated refund
3 under paragraph (5)(d) or an economic-stimulus exemption under
4 this paragraph, a qualified target industry business must
5 agree to renegotiate its tax refund agreement with the office
6 to, at a minimum, ensure that the terms of the agreement
7 comply with current law and office procedures governing
8 application for and award of tax refunds. Upon approving the
9 award of a prorated refund or granting an economic-stimulus
10 exemption, the office shall renegotiate the tax refund
11 agreement with the business as required by this subparagraph.
12 When amending the agreement of a business receiving an
13 economic-stimulus exemption, the office may extend the
14 duration of the agreement for a period not to exceed 1 year.

15 4. A qualified target industry business may submit a
16 request for an economic-stimulus exemption to the office in
17 lieu of any tax refund claim scheduled to be submitted after
18 June 30, 2001, but before July 1, 2003.

19 5. A qualified target industry business that receives
20 an economic-stimulus exemption may not receive a tax refund
21 for the period covered by the exemption.

22 (c) The agreement must be signed by the director and
23 by an authorized officer of the qualified target industry
24 business within 120 days after the issuance of the letter of
25 certification under subsection (3), but not before passage and
26 receipt of the resolution of local financial support. The
27 office may grant an extension of this period at the written
28 request of the qualified target industry business.

29 (5) ANNUAL CLAIM FOR REFUND.--

30 (a) To be eligible to claim any scheduled tax refund,
31 a qualified target industry business that has entered into a

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1 tax refund agreement with the office under subsection (4) must
2 ~~may~~ apply by January 31 of once each fiscal year to the office
3 for ~~the a~~ tax refund scheduled to be paid from the
4 appropriation for the fiscal year that begins on July 1
5 following the January 31 claims-submission date. The office
6 may, upon written request, grant a 30-day extension of the
7 filing date. The application must be made on or after the date
8 specified in that agreement.

9 (b) The claim for refund by the qualified target
10 industry business must include a copy of all receipts
11 pertaining to the payment of taxes for which the refund is
12 sought and data related to achievement of each performance
13 item specified in the tax refund agreement. The amount
14 requested as a tax refund may not exceed the amount specified
15 for the relevant that fiscal year in that agreement.

16 (c) A tax refund may not be approved for a qualified
17 target industry business unless the required local financial
18 support has been paid into the account for in that refund
19 fiscal year. If the local financial support provided is less
20 than 20 percent of the approved tax refund, the tax refund
21 must be reduced. In no event may the tax refund exceed an
22 amount that is equal to 5 times the amount of the local
23 financial support received. Further, funding from local
24 sources includes any tax abatement granted to that business
25 under s. 196.1995 or the appraised market value of municipal
26 or county land conveyed or provided at a discount to that
27 business. The amount of any tax refund for such business
28 approved under this section must be reduced by the amount of
29 any such tax abatement granted or the value of the land
30 granted; and the limitations in subsection (2) and paragraph
31 (3)(f) must be reduced by the amount of any such tax abatement

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1 or the value of the land granted. A report listing all sources
2 of the local financial support shall be provided to the office
3 when such support is paid to the account.

4 (d) A prorated tax refund, less a 5-percent penalty,
5 shall be approved for a qualified target industry business
6 provided all other applicable requirements have been satisfied
7 and the business proves to the satisfaction of the director
8 that it has achieved at least 80 percent of its projected
9 employment and that the average wage paid by the business is
10 at least 90 percent of the average wage specified in the tax
11 refund agreement, but in no case less than 115 percent of the
12 average private-sector wage in the area available at the time
13 of certification, or 150 percent or 200 percent of the average
14 private-sector wage if the business requested the additional
15 per-job tax refund authorized in paragraph (2)(b) for wages
16 above those levels. The prorated tax refund shall be
17 calculated by multiplying the tax refund amount for which the
18 qualified target industry business would have been eligible,
19 if all applicable requirements had been satisfied, by the
20 percentage of the average employment specified in the tax
21 refund agreement which was achieved, and by the percentage of
22 the average wages specified in the tax refund agreement which
23 was achieved.

24 (e) The director, with such assistance as may be
25 required from the office, the Department of Revenue, or the
26 Agency for Workforce Innovation ~~Department of Labor and~~
27 ~~Employment Security~~, shall, by June 30 following the scheduled
28 date for submission of the tax-refund claim, specify by
29 written final order the approval or disapproval of the tax
30 refund claim and, if approved, the amount of the tax refund
31 that is authorized to be paid to for the qualified target

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1 industry business for the ~~fiscal year within 30 days after the~~
2 ~~date that the claim for the annual tax refund is received by~~
3 ~~the office. The office may grant an extension of this date~~
4 upon the request of the qualified target industry business for
5 the purpose of filing additional information in support of the
6 claim.

7 (f) The total amount of tax refund claims approved by
8 the director under this section in any fiscal year must not
9 exceed the amount authorized under s. 288.095(3).

10 (g) This section does not create a presumption that a
11 tax refund claim will be approved and paid.

12 (h)(g) Upon approval of the tax refund under
13 paragraphs (c), (d), and (e), the Comptroller shall issue a
14 warrant for the amount specified in the ~~final~~ order. If the
15 ~~final~~ order is appealed, the Comptroller may not issue a
16 warrant for a refund to the qualified target industry business
17 until the conclusion of all appeals of that order.

18 (6) ADMINISTRATION.--

19 (a) The office is authorized to verify information
20 provided in any claim submitted for tax credits under this
21 section with regard to employment and wage levels or the
22 payment of the taxes to the appropriate agency or authority,
23 including the Department of Revenue, the Agency for Workforce
24 Innovation ~~Department of Labor and Employment Security~~, or any
25 local government or authority.

26 (b) To facilitate the process of monitoring and
27 auditing applications made under this program, the office may
28 provide a list of qualified target industry businesses to the
29 Department of Revenue, to the Agency for Workforce Innovation
30 ~~Department of Labor and Employment Security~~, or to any local
31 government or authority. The office may request the assistance

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1 of those entities with respect to monitoring jobs, wages, and
2 the payment of the taxes listed in subsection (2).

3 (c) Funds specifically appropriated for the tax refund
4 program for qualified target industry businesses may not be
5 used for any purpose other than the payment of tax refunds
6 authorized by this section.

7 (7) EXPIRATION.--This section expires June 30, 2004.

8 Section 4. Paragraph (k) of subsection (7) of section
9 213.053, Florida Statutes, is amended to read:

10 213.053 Confidentiality and information sharing.--

11 (7) Notwithstanding any other provision of this
12 section, the department may provide:

13 (k)1. Payment information relative to chapters 199,
14 201, 212, 220, and 221 to the Office of Tourism, Trade, and
15 Economic Development, or agents of the office, in its
16 administration of the tax refund program for qualified defense
17 contractors authorized by s. 288.1045.

18 2. Information relative to s. 624.509 and chapters
19 199, 201, 220, and 221 to the Office of Tourism, Trade, and
20 Economic Development, or agents of the office, in the
21 administration of the tax refund program for qualified target
22 industry businesses authorized by s. 288.106.

23 3. Information relative to credits taken by businesses
24 under s. 220.191 and exemptions or refunds received by
25 businesses under s. 212.08(5)(j) to the Office of Tourism,
26 Trade, and Economic Development, or agents of the office, in
27 its administration and evaluation of the capital investment
28 tax credit program authorized in s. 220.191 and the
29 semiconductor, defense, and space tax exemption program
30 authorized in s. 212.08(5)(j).

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1 Disclosure of information under this subsection shall be
2 pursuant to a written agreement between the executive director
3 and the agency. Such agencies, governmental or
4 nongovernmental, shall be bound by the same requirements of
5 confidentiality as the Department of Revenue. Breach of
6 confidentiality is a misdemeanor of the first degree,
7 punishable as provided by s. 775.082 or s. 775.083.

8 Section 5. Subsection (1) of section 624.5091, Florida
9 Statutes, is amended to read:

10 624.5091 Retaliatory provision, insurers.--

11 (1) When by or pursuant to the laws of any other state
12 or foreign country any taxes, licenses, and other fees, in the
13 aggregate, and any fines, penalties, deposit requirements, or
14 other material obligations, prohibitions, or restrictions are
15 or would be imposed upon Florida insurers or upon the agents
16 or representatives of such insurers, which are in excess of
17 such taxes, licenses, and other fees, in the aggregate, or
18 which are in excess of the fines, penalties, deposit
19 requirements, or other obligations, prohibitions, or
20 restrictions directly imposed upon similar insurers, or upon
21 the agents or representatives of such insurers, of such other
22 state or country under the statutes of this state, so long as
23 such laws of such other state or country continue in force or
24 are so applied, the same taxes, licenses, and other fees, in
25 the aggregate, or fines, penalties, deposit requirements, or
26 other material obligations, prohibitions, or restrictions of
27 whatever kind shall be imposed by the Department of Revenue
28 upon the insurers, or upon the agents or representatives of
29 such insurers, of such other state or country doing business
30 or seeking to do business in this state. In determining the
31 taxes to be imposed under this section, 80 percent of the

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1 credit provided by s. 624.509(5), as limited by s. 624.509(6)
 2 and further determined by s. 624.509(7), shall not be taken
 3 into consideration, except that effective January 1, 2003, 90
 4 percent of such credit shall not be taken into consideration,
 5 and effective January 1, 2004, 100 percent of such credit
 6 shall not be taken into consideration.

7 Section 6. This act shall take effect upon becoming a
 8 law.

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Remove: the entire title,

14

15 and insert:

16

A bill to be entitled

17

An act relating to economic stimulus; amending

18

s. 288.095, F.S.; revising terminology relating

19

to certain incentive payment schedules;

20

revising the due date and content for an annual

21

report on incentives and reassigning

22

responsibility for such report to Enterprise

23

Florida, Inc.; amending s. 288.1045, F.S.;

24

revising definitions; revising the required

25

elements of a tax refund agreement; providing

26

an exemption from mandatory loss of tax refund

27

eligibility and decertification resulting from

28

agreement breach in cases of uncontrollable

29

economic factors; prescribing a deadline for

30

applying for tax refunds; revising conditions

31

and procedures governing applications for tax

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1 refunds; revising provisions relating to the
2 order authorizing a tax refund; authorizing the
3 office to grant extensions to certain
4 application and notification deadlines;
5 revising conditions under which a prorated tax
6 refund will be approved; providing for
7 calculation of such prorated refund; specifying
8 that the section does not create a presumption
9 a claim will be approved and paid; revising the
10 agencies with which the office may verify
11 information and to which the office may provide
12 information; expanding purposes for which the
13 office may seek assistance from certain
14 entities; amending s. 288.106, F.S., relating
15 to the tax refund program for qualified target
16 industry businesses; revising requirements for
17 application for certification as such business
18 with respect to the number of current and new
19 jobs at the business and projections by the
20 Office of Tourism, Trade, and Economic
21 Development of refunds based thereon; revising
22 requirements relating to the tax refund
23 agreement with respect to job creation and the
24 time for filing of claims for refund; providing
25 for an exemption from mandatory loss of tax
26 refund eligibility and decertification
27 resulting from agreement breach in cases of
28 uncontrollable economic factors; revising
29 provisions relating to annual claims for
30 refund; authorizing an extension of time for
31 signing the tax refund agreement; providing an

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

1 application deadline; revising provisions
2 relating to the order authorizing a tax refund;
3 revising conditions under which a prorated tax
4 refund will be approved; providing for
5 calculation of such prorated tax refund;
6 specifying that the section does not create a
7 presumption that a claim will be approved and
8 paid; revising the agencies with which the
9 office may verify information and to which the
10 office may provide information; expanding
11 purposes for which the office may seek
12 assistance from certain entities; specifying
13 that certain appropriations may not be used for
14 any purpose other than the payment of specified
15 tax refunds; amending s. 213.053, F.S.;
16 authorizing the Department of Revenue to
17 provide certain information to the office;
18 amending s. 624.5091, F.S.; revising provisions
19 governing determination of retaliatory taxes on
20 certain insurers; providing an effective date.

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