

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 418

INTRODUCER: Senator Sobel

SUBJECT: Enterprise Zones

DATE: April 8, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pugh</u>	<u>Cooper</u>	<u>CM</u>	Favorable
2.	<u>Murphy</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>TA</u>	_____
5.	_____	_____	<u>WPSC</u>	_____
6.	_____	_____	_____	_____

I. Summary:

SB 418 creates an opportunity for four cities within Broward County – Hallandale, Hollywood, Pembroke Park, and West Park – to jointly apply for and receive one enterprise zone designation. Their proposed enterprise zone may encompass an area up to 20 square miles in size.

State law allows an enterprise zone to be comprised of no more than three non-contiguous areas. In this case, the cities of Hallandale and Hollywood will share one of the areas that is contiguous to their boundaries. Pembroke Park and West Park will have separate areas.

The cities are directed to file the enterprise zone application with the Governor’s Office of Tourism, Trade and Economic Development (OTTED) by December 31, 2009. The application must comply with the requirements in s. 290.0055, F.S. OTTED is given discretion to designate one enterprise zone for the four cities, and if that happens, must establish the enterprise zone’s effective date.

SB 418 creates s. 290.0078 of the Florida Statutes.

II. Present Situation:

Enterprise zones in Florida

Basic statistics

The Florida Enterprise Zone Program was created in 1982 to encourage economic development in economically distressed areas of the state by providing incentives and inducing private investment. Currently, Florida has 56 enterprise zones.

OTTED reports that between October 1, 2007 and September 30, 2008, new businesses numbering 2,719 moved into or were created in enterprise zones and 9,600 new jobs were created by businesses in enterprise zones.¹ More than \$40.3 million in state and nearly \$22.5 million in local-government financial incentives were approved during that same period.

However, while state and local-government incentive funding increased during that reporting period,² there were 2,257 fewer new businesses and 1,856 fewer jobs created in enterprise zones than in the previous year.³ This increase in incentive funding relative to job creation may be tied, in part, to the significant increase in building materials sales tax refunds for condominium projects. *(Please refer to chart on page 4 of this analysis.)*

Over the last 5 years, some 17,462 new businesses have moved into or were created in enterprise zones and 52,629 new jobs have been created.⁴

Designation process

Sections 290.001-290.016, F.S., authorize the creation of enterprise zones and establish criteria and goals for the program. Prior to submitting an application for an enterprise zone, a local government body must determine that an area:

- Has chronic extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;
- Needs rehabilitation or redevelopment for the public health, safety, and welfare of the residents in the county or municipality; and
- Can be revitalized through the inducement of the private sector.

No enterprise zone shall be larger than 20 square miles, and be comprised of no more than three non-contiguous parcels.⁵

OTTED is responsible for approving applications for enterprise zones, and also approves changes in enterprise zone boundaries when authorized by the Florida Legislature. As part of the application process for an enterprise zone, the county or municipality in which the designation will be located also is responsible for creating an Enterprise Zone Development Agency and an enterprise zone development plan.

As outlined in s. 290.0056, F.S., an Enterprise Zone Development Agency is required to have a board of commissioners of at least 8, and no more than 13, members. The agency has the following powers and responsibilities:

- Assisting in the development, implementation and annual review of the zone and updating the strategic plan or measurable goals;
- Identifying ways to remove regulatory burdens;
- Promoting the incentives to residents and businesses;

¹ Florida Enterprise Zone Program Annual Report, October 1, 2007 - September 30, 2008. Published March 1, 2009. On file with the Senate Commerce Committee.

² Ibid, page 6 for the amount of state incentives and page 11 for the local-government incentives. State incentives grew by \$4.6 million and the amount of local-government incentives more than doubled, from \$10 million to \$22.47 million.

³ Ibid, page 1.

⁴ Ibid, page 3.

⁵ Section 290.0055(4)(a), F.S.

- Recommending boundary changes;
- Working with nonprofit development organizations; and
- Ensuring the enterprise zone coordinator receives annual training and works with Enterprise Florida, Inc.

Pursuant to s. 290.0057, F.S., an enterprise zone development plan (or strategic plan) must accompany an application. At a minimum this plan must:

- Describe the community's goal in revitalizing the area;
- Describe how the community's social and human resources—transportation, housing, community development, public safety, and education and environmental concerns—will be addressed in a coordinated fashion;
- Identify key community goals and barriers;
- Outline how the community is a full partner in the process of developing and implementing this plan;
- Describe the commitment from the local governing body in enacting and maintaining local fiscal and regulatory incentives;
- Identify the amount of local and private resources available and the private/public partnerships;
- Indicate how local, state, and federal resources will all be utilized;
- Identify funding requested under any state or federal program to support the proposed development; and
- Identify baselines, methods, and benchmarks for measuring success of the plan.

Available incentives

Florida's enterprise zones qualify for various incentives from corporate income tax and sales and use tax liabilities. As noted above, OTTED reported that nearly \$40.36 million in state incentives was approved by the Department of Revenue (DOR), between October 1, 2007 and September 30, 2008, for all state enterprise zones. During the same time period, \$22.47 million in incentives was provided by local governing bodies. Examples of local incentives include: utility tax abatement, reduction of occupational license fees, reduced building permit fees or land development fees, and local funds for capital projects.⁶

Available state sales tax incentives for enterprise zones include:

- Building Materials Used in the Rehabilitation of Real Property Located in an Enterprise Zone: Provides a refund for sales taxes paid on the purchase of certain building materials, up to \$5,000 or 97 percent of the tax paid.
- Business Equipment Used in Enterprise Zones: Provides a refund for sales taxes paid on the purchase of certain equipment, up to \$5,000 or 97 percent of the tax paid.
- Rural Enterprise Zone Jobs Credit Against Sales Tax: Provides a sales and use tax credit for 30 or 45 percent of wages paid to new employees who live within a Rural County.
- Urban Enterprise Zone Jobs Credit Against Sales Tax: Provides a sales and use tax credit for 20 or 30 percent of wages paid to new employees who live within the Enterprise Zone.

⁶ Ibid, page 11.

- Business Property Used in an Enterprise Zone: Provides a refund for sales taxes paid on the purchase of certain business property, up to \$5,000 or 97 percent of the tax paid per parcel of property, which is used exclusively in an Enterprise Zone for at least 3 years.
- Community Contribution Tax Credit: Provides 50 percent sales tax refund for donations made to local community development projects.
- Electrical Energy Used in an Enterprise Zone: Provides 50 percent sales tax exemption to qualified businesses located within an Enterprise Zone on the purchase of electrical energy.

Summary of state incentives offered in the Florida Enterprise Zone Program⁷

CATEGORY	FY 07-08	FY 06-07	FY 05-06	FY 04-05	FY 03-04	FY 02-03	FY 01-02
Jobs Tax Credit (SUT)	\$5,732,605	\$6,087,843	\$6,777,250	\$4,729,834	\$2,579,512	\$1,444,543	\$970,148
Jobs Tax Credit (CIT)	\$5,507,311	\$5,919,236	\$4,253,621	\$2,080,397	\$1,086,747	\$800,029	\$1,965,920
Property Tax Credit (CIT)	\$2,184,036	\$2,291,961	\$1,267,999	\$1,668,168	\$507,022	\$272,942	\$303,542
Building Materials (SUT Refund)	\$25,665,025	\$18,855,129	\$7,415,711	\$3,878,421	\$1,356,462	\$533,673	\$456,551
Business Equipment (SUT Refund)	\$1,269,955	\$1,771,396	\$2,940,864	\$1,618,721	\$1,182,582	\$1,874,145	\$2,813,601
Electrical Energy (SUT exemption)	\$606	\$793,179	\$778,090	\$84,516	\$488,937	\$476,251	\$229,789
Total Value of State Incentives	\$40,359,538	\$35,718,744	\$23,433,535	\$14,060,057	\$7,201,262	\$5,401,583	\$6,739,551
# of EZs	56	56	55	53	51	51	47

Available state corporate income tax incentives for enterprise zones include:

- Rural Enterprise Zone Jobs Credit Against Corporate Income Tax: Provides a corporate income tax credit for 30 or 45 percent of wages paid to new employees who live within a Rural County.
- Urban Enterprise Zone Jobs Credit against Corporate Income Tax: Provides a corporate income tax credit for 20 or 30 percent of wages paid to new employees who live within the Enterprise Zone.
- Enterprise Zone Property Tax Credit: Provides a credit against Florida corporate income tax equal to 96 percent of ad valorem taxes paid on the new or improved property.
- Community Contribution Tax Credit: Provides 50 percent credit on Florida corporate income tax or insurance premium tax, or a sales tax refund, for donations made to local community development projects.

⁷ Information compiled from several editions of the Florida Enterprise Zone Program annual report.

III. Effect of Proposed Changes:

Section 1 creates s. 290.0078, F.S., to allow the cities of Hallandale, Hollywood, Pembroke Park, and West Park to apply for and receive one enterprise zone designation. Their proposed enterprise zone may encompass an area up to 20 square miles in size. The cities have until December 31, 2009, to file their application with OTTED. The application must meet the requirements of s. 290.0055, F.S., which establishes some of the criteria and details the process by which a local government seeks an enterprise zone designation.

The section also specifies that notwithstanding s. 290.0065, F.S., limiting the number of enterprise zones in Florida, OTTED may designate one enterprise zone for these four cities. OTTED also is directed to set the initial effective date for the new enterprise zone.

SB 418 does not address the requirement in s. 290.055(4)(a), F.S., that no enterprise zone can be comprised of more than three non-contiguous parcels. Conversations with staff of the City of Hollywood indicate that Hallandale and Hollywood will share one of the non-contiguous parcels designated for the enterprise zone, while Pembroke Pines and West Park will each have a non-contiguous parcel within their jurisdictions.

Section 2 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) on February 13, 2009, adopted by consensus a negative state fiscal impact of \$2.2 million in cash in FY 2009-2010 and a negative impact of more than \$3 million annually over the next 3 years to the state. Eighty percent of the tax loss is estimated to be in state sales tax revenues and 20 percent in state corporate income tax revenues.

The REC also estimated a negative fiscal impact of \$500,000 annually in local sales tax revenues.

B. Private Sector Impact:

Indeterminate. However, the impact could be significant to the businesses that locate or already are within the enterprise zone, because of their various tax savings. The general public also could benefit as consumers who shop at new or improved businesses within the enterprise zone. Also, job-seekers could benefit from opportunities afforded them by businesses within the new zone.

C. Government Sector Impact:

Indeterminate. Other than the initial review of the cities' joint application, and decision whether to approve or reject it, the workload on OTTED staff should not be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.