

By Senator Ring

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1                                   A bill to be entitled  
2           An act relating to economic development; requiring the  
3           Department of Economic Opportunity to designate a  
4           director of manufacturing; providing responsibilities  
5           for the director; amending s. 220.191, F.S., relating  
6           to a tax credit program for capital investment by  
7           certain qualifying businesses; removing the creation  
8           or retention of jobs as a criteria for a qualified  
9           project; requiring a capital investment of at least  
10          \$10 million as a criteria for a qualified project;  
11          increasing the period authorized for a tax credit  
12          under the program; creating a new category of annual  
13          tax credit; providing additional annual credits for  
14          sales taxes and ad valorem taxes paid by certain  
15          qualifying businesses; providing tax credits for  
16          qualifying businesses that are located out of state;  
17          amending s. 288.106, F.S., relating to a tax refund  
18          program for qualified target industry businesses;  
19          providing legislative intent for the encouragement of  
20          capital investment; providing that a capital  
21          investment of a specified amount qualifies a target  
22          industry business for the tax refund; creating s.  
23          288.1084, F.S.; creating the Manufacturing Capital  
24          Investment Tax Refund Program within the Department of  
25          Economic Opportunity; providing legislative findings  
26          and declarations; providing definitions; providing for  
27          amounts of capital investments for certain  
28          manufacturing businesses that are eligible for tax  
29          refunds; providing for the application and approval

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30 process for qualified projects; authorizing the  
31 Division of Strategic Business Development in the  
32 Department of Economic Opportunity to adopt rules;  
33 providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. The Department of Economic Opportunity shall  
38 designate a director of manufacturing who shall:

39 (1) Serve as the liaison between state, regional, and local  
40 agencies and manufacturers expanding in or relocating to the  
41 state;

42 (2) Provide the manufacturers with permit applications for  
43 all potential state and regional permits that are needed; and

44 (3) Facilitate the dissemination of information to  
45 manufacturers about opportunities available for expanding in or  
46 locating to this state.

47 Section 2. Section 220.191, Florida Statutes, is amended to  
48 read:

49 220.191 Capital investment tax credit.—

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

51 (a) "Commencement of operations" means the beginning of  
52 active operations by a qualifying business of the principal  
53 function for which a qualifying project was constructed.

54 (b) "Cumulative capital investment" means the total capital  
55 investment in land, buildings, and equipment made in connection  
56 with a qualifying project during the period from the beginning  
57 of construction of the project to the commencement of  
58 operations.

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59 (c) "Eligible capital costs" means all expenses incurred by  
60 a qualifying business in connection with the acquisition,  
61 construction, installation, and equipping of a qualifying  
62 project during the period from the beginning of construction of  
63 the project to the commencement of operations, including, but  
64 not limited to:

65 1. The costs of acquiring, constructing, installing,  
66 equipping, and financing a qualifying project, including all  
67 obligations incurred for labor and obligations to contractors,  
68 subcontractors, builders, and materialmen.

69 2. The costs of acquiring land or rights to land and any  
70 cost incidental thereto, including recording fees.

71 3. The costs of architectural and engineering services,  
72 including test borings, surveys, estimates, plans and  
73 specifications, preliminary investigations, environmental  
74 mitigation, and supervision of construction, as well as the  
75 performance of all duties required by or consequent to the  
76 acquisition, construction, installation, and equipping of a  
77 qualifying project.

78 4. The costs associated with the installation of fixtures  
79 and equipment; surveys, including archaeological and  
80 environmental surveys; site tests and inspections; subsurface  
81 site work and excavation; removal of structures, roadways, and  
82 other surface obstructions; filling, grading, paving, and  
83 provisions for drainage, storm water retention, and installation  
84 of utilities, including water, sewer, sewage treatment, gas,  
85 electricity, communications, and similar facilities; and offsite  
86 construction of utility extensions to the boundaries of the  
87 property.

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88

89 Eligible capital costs do ~~shall~~ not include the cost of any  
90 property previously owned or leased by the qualifying business.

91 (d) "Income generated by or arising out of the qualifying  
92 project" means the qualifying project's annual taxable income as  
93 determined by generally accepted accounting principles and under  
94 s. 220.13.

95 ~~(c) "Jobs" means full-time equivalent positions, as that  
96 term is consistent with terms used by the Department of Economic  
97 Opportunity and the United States Department of Labor for  
98 purposes of unemployment tax administration and employment  
99 estimation, resulting directly from a project in this state. The  
100 term does not include temporary construction jobs involved in  
101 the construction of the project facility.~~

102 (e) ~~(f)~~ "Qualifying business" means a business that ~~which~~  
103 establishes a qualifying project in this state and that ~~which~~ is  
104 certified by the Department of Economic Opportunity to receive  
105 tax credits pursuant to this section.

106 (f) ~~(g)~~ "Qualifying project" means a facility in this state  
107 meeting one or more of the following criteria:

108 1. A new or expanding facility in this state which is a  
109 manufacturing facility or creates at least 100 new jobs in this  
110 ~~state~~ and is in one of the high-impact sectors identified by  
111 Enterprise Florida, Inc., and certified by the Department of  
112 Economic Opportunity pursuant to s. 288.108(6), including, but  
113 not limited to, aviation, aerospace, automotive, and silicon  
114 technology industries. However, between July 1, 2011, and June  
115 30, 2014, the requirement that a facility be in a high-impact  
116 sector is waived for any otherwise eligible business from

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117 another state which locates all or a portion of its business to  
118 a Disproportionally Affected County. For purposes of this  
119 section, the term "Disproportionally Affected County" means Bay  
120 County, Escambia County, Franklin County, Gulf County, Okaloosa  
121 County, Santa Rosa County, Walton County, or Wakulla County.

122 2. A new or expanded facility in this state which is  
123 engaged in manufacturing and makes a capital investment of at  
124 least \$10 million or a target industry designated pursuant to  
125 the procedure specified in s. 288.106(2) and which makes ~~is~~  
126 ~~induced by this credit to create or retain at least 1,000 jobs~~  
127 ~~in this state, provided that at least 100 of those jobs are new,~~  
128 ~~pay an annual average wage of at least 130 percent of the~~  
129 ~~average private sector wage in the area as defined in s.~~  
130 ~~288.106(2), and make a cumulative capital investment of at least~~  
131 \$100 million on or after July 1, 2012. Jobs may be considered  
132 ~~retained only if there is significant evidence that the loss of~~  
133 ~~jobs is imminent.~~ Notwithstanding subsection (2), annual credits  
134 against the tax imposed by this chapter may not exceed 50  
135 percent of the increased annual corporate income tax liability  
136 or the premium tax liability generated by or arising out of a  
137 project qualifying under this subparagraph. A facility that  
138 qualifies under this subparagraph for an annual credit against  
139 the tax imposed by this chapter may take the tax credit for a  
140 period not to exceed 10 ~~5~~ years.

141 3. A new or expanded headquarters facility in this state  
142 which locates in an enterprise zone and brownfield area and is  
143 induced by this credit to make ~~create~~ at least 1,500 jobs which  
144 ~~on average pay at least 200 percent of the statewide average~~  
145 ~~annual private sector wage, as published by the Department of~~

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146 ~~Economic Opportunity, and which new or expanded headquarters~~  
147 ~~facility makes~~ a cumulative capital investment in this state of  
148 at least \$250 million.

149 (2) (a) An annual credit against the tax imposed by this  
150 chapter shall be granted to any qualifying business in an amount  
151 equal to 5 percent of the eligible capital costs generated by a  
152 qualifying project, for a period not to exceed 20 years  
153 beginning with the commencement of operations of the project.  
154 Unless assigned as described in this subsection, the tax credit  
155 shall be granted against only the corporate income tax liability  
156 or the premium tax liability generated by or arising out of the  
157 qualifying project, and the sum of all tax credits provided  
158 pursuant to this section may ~~shall~~ not exceed 100 percent of the  
159 eligible capital costs of the project. ~~A In no event may any~~  
160 credit granted under this section may not be carried forward or  
161 backward by any qualifying business with respect to a subsequent  
162 or prior year. The annual tax credit granted under this section  
163 may ~~shall~~ not exceed the following percentages of the annual  
164 corporate income tax liability or the premium tax liability  
165 generated by or arising out of a qualifying project:

166 1. One hundred percent for a qualifying project that ~~which~~  
167 results in a cumulative capital investment of at least \$100  
168 million.

169 2. Seventy-five percent for a qualifying project that ~~which~~  
170 results in a cumulative capital investment of at least \$50  
171 million but less than \$100 million.

172 3. Fifty percent for a qualifying project that ~~which~~  
173 results in a cumulative capital investment of at least \$25  
174 million but less than \$50 million.

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175 4. Twenty-five percent for a qualifying project that  
176 results in a cumulative capital investment of at least \$25  
177 million, but less than \$10 million.

178 (b) A qualifying project that ~~which~~ results in a cumulative  
179 capital investment of less than \$10 ~~\$25~~ million is not eligible  
180 for the capital investment tax credit. An insurance company  
181 claiming a credit against premium tax liability under this  
182 program is shall not ~~be~~ required to pay any additional  
183 retaliatory tax levied pursuant to s. 624.5091 as a result of  
184 claiming such credit. Because credits under this section are  
185 available to an insurance company, s. 624.5091 does not limit  
186 such credit in any manner.

187 (c) A qualifying business that establishes a qualifying  
188 project that includes locating a new solar panel manufacturing  
189 facility in this state that generates a minimum of 400 jobs  
190 within 6 months after commencement of operations with an average  
191 salary of at least \$50,000 may assign or transfer the annual  
192 credit, or any portion thereof, granted under this section to  
193 any other business. However, the amount of the tax credit that  
194 may be transferred in any year shall be the lesser of the  
195 qualifying business's state corporate income tax liability for  
196 that year, as limited by the percentages applicable under  
197 paragraph (a) and as calculated prior to taking any credit  
198 pursuant to this section, or the credit amount granted for that  
199 year. A business receiving the transferred or assigned credits  
200 may use the credits only in the year received, and the credits  
201 may not be carried forward or backward. To perfect the transfer,  
202 the transferor shall provide the department with a written  
203 transfer statement notifying the department of the transferor's

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204 intent to transfer the tax credits to the transferee; the date  
205 the transfer is effective; the transferee's name, address, and  
206 federal taxpayer identification number; the tax period; and the  
207 amount of tax credits to be transferred. The department shall,  
208 upon receipt of a transfer statement conforming to the  
209 requirements of this paragraph, provide the transferee with a  
210 certificate reflecting the tax credit amounts transferred. A  
211 copy of the certificate must be attached to each tax return for  
212 which the transferee seeks to apply such tax credits.

213 (d) If the credit granted under subparagraph (a)1. is not  
214 fully used in any one year because of insufficient tax liability  
215 on the part of the qualifying business, the unused amounts may  
216 be used in any one year or years beginning with the 21st year  
217 after the commencement of operations of the project and ending  
218 the 30th year after the commencement of operations of the  
219 project.

220 (3) (a) ~~Notwithstanding subsection (2),~~ An annual credit  
221 against the tax imposed by this chapter or chapter 212 or ad  
222 valorem taxes paid as defined in s. 220.03(1) shall be granted  
223 to a qualifying business that ~~which~~ establishes a qualifying  
224 project pursuant to subparagraph (1) (f) 3. ~~(1) (g) 3.~~, in an amount  
225 equal to the lesser of \$15 million or 5 percent of the eligible  
226 capital costs made in connection with a qualifying project, for  
227 a period not to exceed 20 years beginning with the commencement  
228 of operations of the project. The tax credit shall be granted  
229 against the corporate income tax liability of the qualifying  
230 business and as further provided in paragraph (c). The total tax  
231 credit provided pursuant to this subsection shall be equal to no  
232 more than 100 percent of the eligible capital costs of the



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233 qualifying project.

234 (b) If the credit granted under this subsection is not  
235 fully used in any one year because of insufficient tax liability  
236 on the part of the qualifying business, the unused amount may be  
237 carried forward for a period not to exceed 20 years after the  
238 commencement of operations of the project. The carryover credit  
239 may be used in a subsequent year when the tax imposed by this  
240 chapter for that year exceeds the credit for which the  
241 qualifying business is eligible in that year under this  
242 subsection after applying the other credits and unused  
243 carryovers in the order provided by s. 220.02(8).

244 (c) The credit granted under this subsection may be used in  
245 whole or in part by the qualifying business or any corporation  
246 that is ~~either~~ a member of that qualifying business's affiliated  
247 group of corporations, is a related entity taxable as a  
248 cooperative under subchapter T of the Internal Revenue Code, or,  
249 if the qualifying business is an entity taxable as a cooperative  
250 under subchapter T of the Internal Revenue Code, is related to  
251 the qualifying business. Any entity related to the qualifying  
252 business may continue to file as a member of a Florida-nexus  
253 consolidated group pursuant to a prior election made under s.  
254 220.131(1), Florida Statutes (1985), even if the parent of the  
255 group changes due to a direct or indirect acquisition of the  
256 former common parent of the group. Any credit can be used by any  
257 of the affiliated companies or related entities referenced in  
258 this paragraph to the same extent as it could have been used by  
259 the qualifying business. However, any such use does ~~shall~~ not  
260 ~~operate to~~ increase the amount of the credit or extend the  
261 period within which the credit must be used.

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262 ~~(4) Prior to receiving tax credits pursuant to this~~  
263 ~~section, a qualifying business must achieve and maintain the~~  
264 ~~minimum employment goals beginning with the commencement of~~  
265 ~~operations at a qualifying project and continuing each year~~  
266 ~~thereafter during which tax credits are available pursuant to~~  
267 ~~this section.~~

268 (4)~~(5)~~ Applications shall be reviewed and certified  
269 pursuant to s. 288.061. The Department of Economic Opportunity,  
270 upon a recommendation by Enterprise Florida, Inc., shall first  
271 certify a business as eligible to receive tax credits pursuant  
272 to this section before ~~prior to~~ the commencement of operations  
273 of a qualifying project, and such certification shall be  
274 transmitted to the Department of Revenue. Upon receipt of the  
275 certification, the Department of Revenue shall enter into a  
276 written agreement with the qualifying business specifying, at a  
277 minimum, the method by which income generated by or arising out  
278 of the qualifying project will be determined.

279 (5)~~(6)~~ The Department of Economic Opportunity, in  
280 consultation with Enterprise Florida, Inc., may ~~is authorized to~~  
281 develop the necessary guidelines and application materials for  
282 the certification process described in subsection (4) ~~(5)~~.

283 (6)~~(7)~~ The qualifying business shall ~~It shall be the~~  
284 ~~responsibility of the qualifying business to~~ affirmatively  
285 demonstrate to the satisfaction of the Department of Revenue  
286 that the ~~such~~ business meets the ~~job creation and~~ capital  
287 investment requirements of this section.

288 (7) Qualifying businesses, including corporations that are  
289 not domiciled in this state, subchapter S corporations under the  
290 Internal Revenue Code, limited liability companies, sole

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291 proprietorships, or partnerships, may take credits pursuant to  
292 this chapter against taxes paid pursuant to chapter 212 or ad  
293 valorem taxes paid as defined in s. 220.03(1).

294 (8) The Department of Revenue may specify by rule the  
295 methods by which a project's pro forma annual taxable income is  
296 determined.

297 Section 3. Subsection (1) and paragraph (e) of subsection  
298 (6) of section 288.106, Florida Statutes, are amended to read:

299 288.106 Tax refund program for qualified target industry  
300 businesses.—

301 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature  
302 finds that retaining and expanding existing businesses in the  
303 state, encouraging the creation of new businesses in the state,  
304 attracting new businesses from outside the state, and generally  
305 providing conditions favorable for the growth of target  
306 industries creates high-quality, high-wage employment  
307 opportunities for residents of the state and strengthens the  
308 state's economic foundation. The Legislature also finds that  
309 incentives narrowly focused in application and scope tend to be  
310 more effective in achieving the state's economic development  
311 goals. The Legislature further finds that higher-wage jobs  
312 reduce the state's share of hidden costs, such as public  
313 assistance and subsidized health care associated with low-wage  
314 jobs. Therefore, the Legislature declares that it is the policy  
315 of the state to encourage capital investment, the growth of  
316 higher-wage jobs, and a diverse economic base by providing state  
317 tax refunds to qualified target industry businesses that  
318 originate or expand in the state or that relocate to the state,  
319 regardless of the legal structure of those businesses.

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320 (6) ANNUAL CLAIM FOR REFUND.—

321 (e) A prorated tax refund, less a 5 percent ~~5-percent~~  
322 penalty, shall be approved for a qualified target industry  
323 business if all other applicable requirements have been  
324 satisfied and the business proves to the satisfaction of the  
325 office that:

326 1. It has achieved at least 80 percent of its projected  
327 employment; and

328 2. The average wage paid by the business is at least 90  
329 percent of the average wage specified in the tax refund  
330 agreement, but in no case less than 115 percent of the average  
331 private sector wage in the area available at the time of  
332 certification, or 150 percent or 200 percent of the average  
333 private sector wage if the business requested the additional  
334 per-job tax refund authorized in paragraph (3) (b) for wages  
335 above those levels. The prorated tax refund shall be calculated  
336 by multiplying the tax refund amount for which the qualified  
337 target industry business would have been eligible, if all  
338 applicable requirements had been satisfied, by the percentage of  
339 the average employment specified in the tax refund agreement  
340 which was achieved, and by the percentage of the average wages  
341 specified in the tax refund agreement which was achieved.

342 Section 4. Section 288.1084, Florida Statutes, is created  
343 to read:

344 288.1084 Manufacturing Capital Investment Tax Refund  
345 Program.—

346 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature  
347 finds that attracting and expanding manufacturing businesses in  
348 this state will accelerate capital investment, increase exports,

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349 and provide high-quality, high-wage employment opportunities for  
350 residents, and will enhance overall the state's economy. To meet  
351 the needs of these manufacturing businesses, programs are needed  
352 which provide incentives for significant capital investment.  
353 Therefore, the Legislature declares that it is the policy of the  
354 state to encourage the location and expansion of manufacturing  
355 businesses in this state by providing state tax refunds for  
356 capital investment.

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

358 (a) "Business" means an employing unit, as defined in s.  
359 443.036, which is registered for unemployment compensation  
360 purposes with the state agency providing unemployment tax  
361 collection services.

362 (b) "Capital investment" means the total capital investment  
363 in land, buildings, and equipment in this state made in  
364 connection with a qualifying project for no longer than the 3  
365 years following the beginning of construction, initiation of the  
366 project, or the purchase of machinery and equipment and until  
367 the commencement of operations.

368 (c) "Division" means the Division of Strategic Business  
369 Development in the Department of Economic Opportunity.

370 (d) "Economic benefits" means the gains in state or local  
371 tax revenue as a percentage of the state or local investment.  
372 The state or local investment includes state grants, tax  
373 exemptions, tax refunds, tax credits, and other state or local  
374 incentives. The economic-benefits calculation may be expressed  
375 as a ratio of the increase in state or local revenues as  
376 compared to the state or local investment.

377 (e) "Eligible capital costs" means all expenses incurred by

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378 a qualifying business in connection with the acquisition,  
379 construction, installation, and equipping of a qualifying  
380 project for no longer than the 3-year period following the  
381 beginning of construction, initiation of the project, or  
382 purchase of machinery and equipment, and until the commencement  
383 of operations, including, but not limited to:

384 1. The costs of acquiring, constructing, installing,  
385 equipping, and financing a qualifying project, including all  
386 obligations incurred for labor and obligations to contractors,  
387 subcontractors, builders, and materialmen.

388 2. The costs of acquiring land or rights to land and any  
389 cost incidental thereto, including recording fees.

390 3. The costs of architectural and engineering services,  
391 including test borings, surveys, estimates, plans and  
392 specifications, preliminary investigations, environmental  
393 mitigation, and supervision of construction, as well as the  
394 performance of all duties required by or consequent to the  
395 acquisition, construction, installation, and reequipping of a  
396 qualifying project.

397 4. The costs associated with the installation of fixtures  
398 and equipment; surveys, including archaeological and  
399 environmental surveys; site tests and inspections; subsurface  
400 site work and excavation; removal of structures, roadways, and  
401 other surface obstructions; filling, grading, paving, and  
402 provisions for drainage, storm water retention, and installation  
403 of utilities, including water, sewer, sewage treatment, gas,  
404 electricity, communications, and similar facilities; and offsite  
405 construction for utility extensions to the boundaries of the  
406 property.

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407  
408 Eligible capital costs do not include the cost of any property  
409 previously owned or leased by the qualifying business.

410 (f) "Expansion of an existing business" means the expansion  
411 of an existing business in this state by or through additions to  
412 real or personal property, resulting in a net increase in new  
413 capital investment of at least \$10 million.

414 (g) "Fiscal year" means the fiscal year of the state.

415 (h) "Manufacturing" means a business in NAICS Codes 31, 32,  
416 or 33.

417 (i) "NAICS" means those classifications contained in the  
418 North American Industry Classification System, as published in  
419 2007 by the Office of Management and Budget, Executive Office of  
420 the President, and updated periodically.

421 (j) "New or expanding business" means a business that  
422 applies for a tax refund under this section before beginning or  
423 expanding operations in this state and that is a legal entity  
424 separate from any other commercial or industrial operation owned  
425 by the same business. The business may be a company incorporated  
426 in any state or nation, a limited liability company, a sole  
427 proprietorship, a partnership, a subchapter S corporation, or  
428 any other legally accepted business entity.

429 (k) "Project" means the creation of a new business or the  
430 expansion of an existing business for a period not to exceed 3  
431 years.

432 (l) "Qualified project" means a proposal by a business that  
433 is designed to produce a positive economic benefit to the state  
434 consistent with the provisions of this chapter.

435 (m) "Tax refund" means a refund against:

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436 1. Corporate income taxes imposed pursuant to chapter 220.

437 2. Insurance premium tax imposed pursuant to s. 624.509.

438 3. Sales, use, and other transactions imposed pursuant to  
439 chapter 212.

440 4. Intangible personal property taxes imposed pursuant to  
441 chapter 199.

442 5. Emergency excise taxes imposed pursuant to chapter 221.

443 6. Excise taxes on documents imposed pursuant to chapter  
444 201.

445 7. Ad valorem taxes paid as defined in s. 220.03(1).

446 8. State communications services taxes imposed pursuant to  
447 chapter 202.

448 9. State gross receipts tax for utility services imposed  
449 pursuant to chapter 203.

450 10. State motor and other fuel taxes imposed pursuant to  
451 chapter 206.

452 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

453 (a) A qualified project is allowed a refund from the  
454 Economic Development Incentives Account within the Economic  
455 Development Trust Fund, established under s. 288.095, for the  
456 amount of taxes paid for eligible capital costs certified by the  
457 division which were paid by the business.

458 (b) A qualified project may receive tax refund payments  
459 equal to 10 percent of the capital investment made.

460 (c) The amount of refunds made to all projects under this  
461 section and s. 288.106 may not exceed the amount of funds set  
462 aside for the Economic Development Incentives Account within the  
463 Economic Development Trust Fund.

464 (d) A qualified project may not receive a refund under this



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465 section for any amount of credit, refund, or exemption  
466 previously granted to that business for any of the taxes listed  
467 in subsection (2).

468 (e) Refunds made available under this section may not be  
469 expended in connection with the relocation of a business from  
470 one community in the state to another community unless the  
471 division determines that, without such relocation, the business  
472 will move outside the state or determines that the business has  
473 a compelling economic rationale for relocation which is  
474 consistent with the intent of this section.

475 (f) A business that fraudulently claims a refund under this  
476 section:

477 1. Is liable for the amount of refund, which shall be  
478 repaid and deposited into the Economic Development Incentives  
479 Account within the Economic Development Trust Fund, and a  
480 mandatory penalty in the amount of 200 percent of the tax  
481 refund, which shall be deposited into the General Revenue Fund.

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

484 (4) APPLICATION AND APPROVAL PROCESS.—To apply for  
485 certification as an eligible business under this section, the  
486 business must propose to make a \$10 million or greater capital  
487 investment and file an application with the division before the  
488 business locates or expands existing operations in the state.  
489 The application must include, but need not be limited to:

490 (a) The applicant's federal employer identification number  
491 and, if applicable, state sales tax registration number.

492 (b) The location of the applicant's proposed permanent  
493 facility.

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494 (c) A description of the type of business activity or  
495 product covered by the project, including a minimum of a five-  
496 digit NAICS code for all activities included in the project.

497 (d) The proposed amount of capital investment to be made  
498 for each year of the project.

499 (e) The anticipated commencement date of the project.

500 (f) A brief statement explaining how the estimated tax  
501 refunds to be requested will affect the decision of the  
502 applicant to locate or expand in this state.

503 (g) Any other information that the division determines is  
504 appropriate for a capital investment refund.

505

506 The division shall annually certify those projects that qualify  
507 for refunds.

508 (5) RULE DEVELOPMENT.—The division may adopt rules to  
509 administer this section.

510 Section 5. This act shall take effect July 1, 2012.