

By the Committee on Commerce and Economic Opportunities and  
Senators Harris and Klein

310-864A-98

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           amending s. 14.2015, F.S.; revising the  
4           reporting requirements of the Office of  
5           Tourism, Trade, and Economic Development  
6           relating to permits and rules; authorizing the  
7           Office of Tourism, Trade, and Economic  
8           Development to coordinate establishment of a  
9           one-stop permit registry; amending s. 212.097,  
10          F.S.; clarifying the definition of a "new  
11          business" under the Urban High-Crime Area Job  
12          Tax Credit Program; amending s. 212.098, F.S.;  
13          clarifying the definition of a "new business"  
14          under the Rural Job Tax Credit Program;  
15          amending s. 288.075, F.S.; specifying that the  
16          prohibition against contracting with entities  
17          that have requested confidentiality of certain  
18          economic development information does not apply  
19          to a public officer or employee or an economic  
20          development agency employee acting in his or  
21          her official capacity; amending s. 288.095,  
22          F.S.; establishing a cap on the total amount of  
23          the state share of tax refunds that may be  
24          approved for a single fiscal year under the tax  
25          refund programs for qualified defense  
26          contractors, qualified target industry  
27          businesses, and brownfield redevelopment;  
28          amending s. 288.1045, F.S.; conforming the  
29          limitation on the amount of tax refunds  
30          approved for payment under the qualified  
31          defense contractor tax refund program to the

1 amount appropriated by the Legislature for such  
2 refunds; correcting references relating to  
3 program administration; amending s. 288.90151,  
4 F.S.; revising the matching private funding  
5 requirements for Enterprise Florida, Inc.;  
6 providing for partial release of funds placed  
7 in reserve under specified circumstances;  
8 providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (6) of section 14.2015, Florida  
13 Statutes, is amended to read:

14 14.2015 Office of Tourism, Trade, and Economic  
15 Development; creation; powers and duties.--

16 (6)(a) In order to improve the state's regulatory  
17 environment, the Office of Tourism, Trade, and Economic  
18 Development shall consider the impact of agency rules on  
19 businesses, provide one-stop permit information and  
20 assistance, and serve as an advocate for businesses,  
21 particularly small businesses, in their dealings with state  
22 agencies.

23 (b) As used in this subsection, the term "permit"  
24 means any approval of an agency required as a condition of  
25 operating a business in this state, including, but not limited  
26 to, licenses and registrations.

27 (c) The office shall have powers and duties to:

28 1. Review proposed agency actions for impacts on small  
29 businesses and offer alternatives to mitigate such impacts, as  
30 provided in s. 120.54.

31

1           2. In consultation with the Governor's rules  
2 ombudsman, make recommendations to agencies on any existing  
3 and proposed rules for alleviating unnecessary or  
4 disproportionate adverse effects to businesses.

5           3. Make recommendations to the Legislature and to  
6 agencies for improving permitting procedures affecting  
7 business activities in the state. By October 1, 1997, and  
8 annually thereafter as part of the report prepared pursuant to  
9 paragraph (2)(e), the Office of Tourism, Trade, and Economic  
10 Development shall ~~submit a~~ report to the Legislature on  
11 containing the following:

12           a. An identification and description of methods to  
13 eliminate, consolidate, simplify, or expedite permits.

14           b. An identification and description of those agency  
15 rules repealed or modified during each calendar year to  
16 improve the regulatory climate for businesses operating in the  
17 state.

18           c. A recommendation for an operating plan and funding  
19 level for establishing an automated one-stop permit registry  
20 to provide the following services:

21           (I) Access by computer network to all permit  
22 applications and approval requirements of each state agency.

23           (II) Assistance in the completion of such  
24 applications.

25           (III) Centralized collection of any permit fees and  
26 distribution of such fees to agencies.

27           (IV) Submission of application data and circulation of  
28 such data among state agencies by computer network.

29  
30 Subject to legislative appropriation, the Office of Tourism,  
31 Trade, and Economic Development is authorized to coordinate

1 the establishment of such a one-stop permit registry,  
2 including, but not limited to, working with all appropriate  
3 state agencies on the implementation of the operating plan.If  
4 ~~the Legislature establishes~~ such a registry is established,  
5 subsequent annual reports to the Legislature from the Office  
6 of Tourism, Trade, and Economic Development pursuant to this  
7 paragraph must cover the status and performance of this  
8 registry.

9           4. Serve as a clearinghouse for information on which  
10 permits are required for a particular business and on the  
11 respective application process, including criteria applied in  
12 making a determination on a permit application. Each state  
13 agency that requires a permit, license, or registration for a  
14 business shall submit to the Office of Tourism, Trade, and  
15 Economic Development by August 1 of each year a list of the  
16 types of businesses and professions that it regulates and of  
17 each permit, license, or registration that it requires for a  
18 type of business or profession.

19           5. Obtain information and permit applications from  
20 agencies and provide such information and permit applications  
21 to the public.

22           6. Arrange, upon request, informal conferences between  
23 a business and an agency to clarify regulatory requirements or  
24 standards or to identify and address problems in the permit  
25 review process.

26           7. Determine, upon request, the status of a particular  
27 permit application.

28           8. Receive complaints and suggestions concerning  
29 permitting policies and activities of governmental agencies  
30 which affect businesses.

31

1           (d) Use of the services authorized in this subsection  
2 does not preclude a person or business from dealing directly  
3 with an agency.

4           (e) In carrying out its duties under this subsection,  
5 the Office of Tourism, Trade, and Economic Development may  
6 consult with state agency personnel appointed to serve as  
7 economic development liaisons under s. 288.021.

8           (f) The office shall clearly represent that its  
9 services are advisory, informational, and facilitative only.  
10 Advice, information, and assistance rendered by the office  
11 does not relieve any person or business from the obligation to  
12 secure a required permit. The office is not liable for any  
13 consequences resulting from the failure to issue or to secure  
14 a required permit. However, an applicant who uses the services  
15 of the office and who receives a written statement identifying  
16 required state permits relating to a business activity may not  
17 be assessed a penalty for failure to obtain a state permit  
18 that was not identified, if the applicant submits an  
19 application for each such permit within 60 days after written  
20 notification from the agency responsible for issuing the  
21 permit.

22           Section 2. Subsection (2) of section 212.097, Florida  
23 Statutes, is amended to read:

24           212.097 Urban High-Crime Area Job Tax Credit  
25 Program.--

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

27           (a) "Eligible business" means any sole proprietorship,  
28 firm, partnership, or corporation that is located in a  
29 qualified county and is predominantly engaged in, or is  
30 headquarters for a business predominantly engaged in,  
31 activities usually provided for consideration by firms

1 classified within the following standard industrial  
2 classifications: SIC 01 through SIC 09 (agriculture,  
3 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
4 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
5 other lodging places); SIC 7391 (research and development);  
6 SIC 7992 (public golf courses); and SIC 7996 (amusement  
7 parks). Excluded from eligible receipts are receipts from  
8 retail sales, except such receipts for hotels and other  
9 lodging places classified in SIC 70, public golf courses in  
10 SIC 7992, and amusement parks in SIC 7996. For purposes of  
11 this paragraph, the term "predominantly" means that more than  
12 50 percent of the business's gross receipts from all sources  
13 is generated by those activities usually provided for  
14 consideration by firms in the specified standard industrial  
15 classification. The determination of whether the business is  
16 located in a qualified high-crime area and the tier ranking of  
17 that area must be based on the date of application for the  
18 credit under this section. Commonly owned and controlled  
19 entities are to be considered a single business entity.

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

31

1           (c) "New business" means any eligible business first  
2 beginning operation on a site in a qualified high-crime area  
3 and clearly separate from any other commercial or business  
4 operation of the business entity within a qualified high-crime  
5 area. A business entity that operated an eligible business  
6 within a qualified high-crime area within the 48 months before  
7 the period provided for application by subsection (3)~~date~~  
8 shall not be considered a new business.

9           (d) "Existing business" means any eligible business  
10 that does not meet the criteria for a new business.

11           (e) "Qualified high-crime area" means an area selected  
12 by the Office of Tourism, Trade, and Economic Development in  
13 the following manner: every third year, the office shall rank  
14 and tier those areas nominated under subsection (8), according  
15 to the following prioritized criteria:

16           1. Highest arrest rates within the geographic area for  
17 violent crime and for such other crimes as drug sale, drug  
18 possession, prostitution, vandalism, and civil disturbances;

19           2. Highest reported crime volume and rate of specific  
20 property crimes such as business and residential burglary,  
21 motor vehicle theft, and vandalism;

22           3. Highest percentage of reported index crimes that  
23 are violent in nature;

24           4. Highest overall index crime volume for the area;  
25 and

26           5. Highest overall index crime rate for the geographic  
27 area.

28  
29 Tier-one areas are ranked 1 through 5 and represent the  
30 highest crime areas according to this ranking. Tier-two areas  
31

1 are ranked 6 through 10 according to this ranking. Tier-three  
2 areas are ranked 11 through 15.

3 Section 3. Subsection (2) of section 212.098, Florida  
4 Statutes, is amended to read:

5 212.098 Rural Job Tax Credit Program.--

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

7 (a) "Eligible business" means any sole proprietorship,  
8 firm, partnership, or corporation that is located in a  
9 qualified county and is predominantly engaged in, or is  
10 headquarters for a business predominantly engaged in,  
11 activities usually provided for consideration by firms  
12 classified within the following standard industrial  
13 classifications: SIC 01 through SIC 09 (agriculture,  
14 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
15 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
16 other lodging places); SIC 7391 (research and development);  
17 SIC 7992 (public golf courses); and SIC 7996 (amusement  
18 parks). Excluded from eligible receipts are receipts from  
19 retail sales, except such receipts for hotels and other  
20 lodging places classified in SIC 70, public golf courses in  
21 SIC 7992, and amusement parks in SIC 7996. For purposes of  
22 this paragraph, the term "predominantly" means that more than  
23 50 percent of the business's gross receipts from all sources  
24 is generated by those activities usually provided for  
25 consideration by firms in the specified standard industrial  
26 classification. The determination of whether the business is  
27 located in a qualified county and the tier ranking of that  
28 county must be based on the date of application for the credit  
29 under this section. Commonly owned and controlled entities are  
30 to be considered a single business entity.

31

1           (b) "Qualified employee" means any employee of an  
2 eligible business who performs duties in connection with the  
3 operations of the business on a regular, full-time basis for  
4 an average of at least 36 hours per week for at least 3 months  
5 within the qualified county in which the eligible business is  
6 located. An owner or partner of the eligible business is not a  
7 qualified employee.

8           (c) "Qualified county" means a county that has a  
9 population of fewer than 75,000 persons, or any county that  
10 has a population of 100,000 or less and is contiguous to a  
11 county that has a population of less than 75,000, selected in  
12 the following manner: every third year, the Office of  
13 Tourism, Trade, and Economic Development shall rank and tier  
14 the state's counties according to the following four factors:

15           1. Highest unemployment rate for the most recent  
16 36-month period.

17           2. Lowest per capita income for the most recent  
18 36-month period.

19           3. Highest percentage of residents whose incomes are  
20 below the poverty level, based upon the most recent data  
21 available.

22           4. Average weekly manufacturing wage, based upon the  
23 most recent data available.

24  
25 Tier-one qualified counties are those ranked 1 through 5 and  
26 represent the state's least-developed counties according to  
27 this ranking. Tier-two qualified counties are those ranked 6  
28 through 10, and tier-three counties are those ranked 11  
29 through 15.

30           (d) "New business" means any eligible business first  
31 beginning operation on a site in a qualified county and

1 clearly separate from any other commercial or business  
2 operation of the business entity within a qualified county. A  
3 business entity that operated an eligible business within a  
4 qualified county within the 48 months before the period  
5 provided for application by subsection (3)~~date~~ shall not be  
6 considered a new business.

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

9 Section 4. Section 288.075, Florida Statutes, is  
10 amended to read:

11 288.075 Confidentiality of records.--

12 (1) As used in this section, the term "economic  
13 development agency" means the Division of Economic Development  
14 of the Department of Commerce, any industrial development  
15 authority created in accordance with part III of chapter 159  
16 or by special law, the public economic development agency that  
17 advises the county commission on the issuance of industrial  
18 revenue bonds of a county that does not have an industrial  
19 development authority created in accordance with part III of  
20 chapter 159 or by special law, or any research and development  
21 authority created in accordance with part V of chapter 159.  
22 The term also includes any private agency, person,  
23 partnership, corporation, or business entity when authorized  
24 by the state, a municipality, or a county to promote the  
25 general business interests or industrial interests of the  
26 state or that municipality or county.

27 (2) Upon written request from a private corporation,  
28 partnership, or person, records of an economic development  
29 agency which contain or would provide information concerning  
30 plans, intentions, or interests of such private corporation,  
31 partnership, or person to locate, relocate, or expand any of

1 its business activities in this state are confidential and  
2 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3 Constitution for 24 months after the date an economic  
4 development agency receives a request for confidentiality or  
5 until disclosed by an economic development agency pursuant to  
6 subsection (4) or by the party requesting confidentiality  
7 under this section. Confidentiality must be maintained until  
8 the expiration of the 24-month period or until documents or  
9 information are otherwise disclosed, whichever occurs first.  
10 This confidentiality does not apply when any party petitions a  
11 court of competent jurisdiction and, in the opinion of the  
12 court, proves need for access to such documents. This  
13 exemption expires October 2, 2001, and is subject to review by  
14 the Legislature under the Open Government Sunset Review Act of  
15 1995 in accordance with s. 119.15.

16 (3) This section does not waive any provision of  
17 chapter 120 or any other provision of law requiring a public  
18 hearing.

19 (4) A public officer or employee or any person who is  
20 an employee of an economic development agency may not enter  
21 into a binding agreement with any corporation, partnership, or  
22 person who has requested confidentiality of information  
23 pursuant to this section, until 90 days after such information  
24 is made public, unless such public officer or employee or  
25 economic development agency employee is acting in an official  
26 capacity.

27 (5) Any person who is an employee of an economic  
28 development agency who violates the provisions of this section  
29 is guilty of a misdemeanor of the second degree, punishable as  
30 provided in s. 775.082 or s. 775.083.

31

1           Section 5. Subsection (3) of section 288.095, Florida  
2 Statutes, is amended to read:

3           288.095 Economic Development Trust Fund.--

4           (3)(a) Contingent upon an annual appropriation by the  
5 Legislature, the Office of Tourism, Trade, and Economic  
6 Development may approve tax refunds pursuant to ss. 288.1045,  
7 288.106, and 288.107. ~~The office may not approve tax refunds~~  
8 ~~in excess of the amount appropriated to the Economic~~  
9 ~~Development Incentives Account for such tax refunds, for a~~  
10 ~~fiscal year pursuant to paragraph (b).~~

11           (b) The combined total amount of the state share of  
12 tax refunds approved by the Office of Tourism, Trade, and  
13 Economic Development pursuant to ss. 288.1045, 288.106, and  
14 288.107 for a single fiscal year shall not exceed the lesser  
15 of \$30 million or the amount appropriated to the Economic  
16 Development Incentives Account for such state share of tax  
17 refunds purposes for the fiscal year. In the event the  
18 Legislature does not appropriate an amount sufficient to  
19 satisfy projections by the office for tax refunds under ss.  
20 288.1045, 288.106, and 288.107 in a fiscal year, the Office of  
21 Tourism, Trade, and Economic Development shall, not later than  
22 July 15 of such year, determine the proportion of each refund  
23 claim which shall be paid by dividing the amount appropriated  
24 for tax refunds for the fiscal year by the projected total of  
25 refund claims for the fiscal year. The amount of each claim  
26 for a tax refund shall be multiplied by the resulting  
27 quotient. If, after the payment of all such refund claims,  
28 funds remain in the Economic Development Incentives Account  
29 for tax refunds, the office shall recalculate the proportion  
30 for each refund claim and adjust the amount of each claim  
31 accordingly.

1           (c) By September 30 of each year, the Office of  
2 Tourism, Trade, and Economic Development shall submit a  
3 complete and detailed report to the board of directors of  
4 Enterprise Florida, Inc., created under part VII of this  
5 chapter, of all applications received, final decisions issued,  
6 tax refund agreements executed, and tax refunds paid or other  
7 payments made under all programs funded out of the Economic  
8 Development Incentives Account, including analyses of benefits  
9 and costs, types of projects supported, and employment and  
10 investment created. The Office of Tourism, Trade, and Economic  
11 Development shall also include a separate analysis of the  
12 impact of such tax refunds on state enterprise zones  
13 designated pursuant to s. 290.0065. By December 1 of each  
14 year, the board of directors of Enterprise Florida, Inc.,  
15 shall review and comment on the report, and the board shall  
16 submit the report, together with the comments of the board, to  
17 the Governor, the President of the Senate, and the Speaker of  
18 the House of Representatives. The report must discuss whether  
19 the authority and moneys appropriated by the Legislature to  
20 the Economic Development Incentives Account were managed and  
21 expended in a prudent, fiducially sound manner.

22           (d) Moneys in the Economic Development Incentives  
23 Account may be used only to pay tax refunds and other payments  
24 authorized under s. 288.1045, s. 288.106, or s. 288.107.

25           (e) The Office of Tourism, Trade, and Economic  
26 Development may adopt rules necessary to carry out the  
27 provisions of this subsection, including rules providing for  
28 the use of moneys in the Economic Development Incentives  
29 Account and for the administration of the Economic Development  
30 Incentives Account.

31

1 Section 6. Subsection (2) of section 288.1045, Florida  
2 Statutes, is amended to read:

3 288.1045 Qualified defense contractor tax refund  
4 program.--

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

6 (a) There shall be allowed, from the Economic  
7 Development Trust Fund, a refund to a qualified applicant for  
8 the amount of eligible taxes certified by the Director of the  
9 Office of Tourism, Trade, and Economic Development ~~secretary~~  
10 which were paid by such qualified applicant. The total amount  
11 of refunds for all fiscal years for each qualified applicant  
12 shall be determined pursuant to subsection (3). The annual  
13 amount of a refund to a qualified applicant shall be  
14 determined pursuant to subsection (5).

15 (b) A qualified applicant may not be qualified for any  
16 project to receive more than \$5,000 times the number of jobs  
17 provided in the tax refund agreement pursuant to subparagraph  
18 (4)(a)1. A qualified applicant may not receive refunds of more  
19 than 25 percent of the total tax refunds provided in the tax  
20 refund agreement pursuant to subparagraph (4)(a)1. in any  
21 fiscal year, provided that no qualified applicant may receive  
22 more than \$2.5 million in tax refunds pursuant to this section  
23 in any fiscal year.

24 (c) A qualified applicant may not receive more than  
25 \$7.5 million in tax refunds pursuant to this section in all  
26 fiscal years.

27 (d) Contingent upon an annual appropriation by the  
28 Legislature, the Office of Tourism, Trade, and Economic  
29 Development ~~secretary~~ may approve not more than the lesser of  
30 ~~\$25 million~~ in tax refunds than ~~or~~ the amount appropriated to  
31

1 the Economic Development Trust Fund for tax refunds, for a  
2 fiscal year pursuant to subsection (5) and s. 288.095.

3 (e) For the first 6 months of each fiscal year, the  
4 Director of the Office of Tourism, Trade, and Economic  
5 Development ~~secretary~~ shall set aside 30 percent of the amount  
6 appropriated for refunds pursuant to this section by the  
7 Legislature to provide tax refunds only to qualified  
8 applicants who employ 500 or fewer full-time employees in this  
9 state. Any unencumbered funds remaining undisbursed from this  
10 set-aside at the end of the 6-month period may be used to  
11 provide tax refunds for any qualified applicants pursuant to  
12 this section.

13 (f) After entering into a tax refund agreement  
14 pursuant to subsection (4), a qualified applicant may receive  
15 refunds from the Economic Development Trust Fund for the  
16 following taxes due and paid by the qualified applicant  
17 beginning with the applicant's first taxable year that begins  
18 after entering into the agreement:

19 1. Taxes on sales, use, and other transactions paid  
20 pursuant to chapter 212.

21 2. Corporate income taxes paid pursuant to chapter  
22 220.

23 3. Intangible personal property taxes paid pursuant to  
24 chapter 199.

25 4. Emergency excise taxes paid pursuant to chapter  
26 221.

27 5. Excise taxes paid on documents pursuant to chapter  
28 201.

29 6. Ad valorem taxes paid, as defined in s.  
30 220.03(1)(a) on June 1, 1996.

31

1 However, a qualified applicant may not receive a tax refund  
2 pursuant to this section for any amount of credit, refund, or  
3 exemption granted such contractor for any of such taxes. If a  
4 refund for such taxes is provided by the Office of Tourism,  
5 Trade, and Economic Development ~~Department of Commerce~~, which  
6 taxes are subsequently adjusted by the application of any  
7 credit, refund, or exemption granted to the qualified  
8 applicant other than that provided in this section, the  
9 qualified applicant shall reimburse the Economic Development  
10 Trust Fund for the amount of such credit, refund, or  
11 exemption. A qualified applicant must notify and tender  
12 payment to the Office of Tourism, Trade, and Economic  
13 Development ~~Department of Commerce~~ within 20 days after  
14 receiving a credit, refund, or exemption, other than that  
15 provided in this section.

16 (g) Any qualified applicant who fraudulently claims  
17 this refund is liable for repayment of the refund to the  
18 Economic Development Trust Fund plus a mandatory penalty of  
19 200 percent of the tax refund which shall be deposited into  
20 the General Revenue Fund. Any qualified applicant who  
21 fraudulently claims this refund commits a felony of the third  
22 degree, punishable as provided in s. 775.082, s. 775.083, or  
23 s. 775.084.

24 (h) Funds made available pursuant to this section may  
25 not be expended in connection with the relocation of a  
26 business from one community to another community in this state  
27 unless the Office of Tourism, Trade, and Economic Development  
28 determines that without such relocation the business will move  
29 outside this state or determines that the business has a  
30 compelling economic rationale for the relocation which creates  
31 additional jobs.

1           Section 7. Section 288.90151, Florida Statutes, is  
2 amended to read:

3           288.90151 Funding for contracting with Enterprise  
4 Florida, Inc.--

5           (1)(a) From funds appropriated from the General  
6 Revenue Fund to the Office of Tourism, Trade, and Economic  
7 Development for the purpose of annually contracting with  
8 Enterprise Florida, Inc., 10 percent of such funds for the  
9 fiscal year 1996-1997, 20 percent of such funds for the fiscal  
10 year 1997-1998, 30 percent of such funds for the fiscal year  
11 1998-1999, 40 percent of such funds for the fiscal year  
12 1999-2000, and 50 percent of such funds for the fiscal year  
13 2000-2001 shall be placed in reserve by the Executive Office  
14 of the Governor. The funds may be released through a budget  
15 amendment, in accordance with chapter 216, as requested by  
16 Enterprise Florida, Inc., through the Office of Tourism,  
17 Trade, and Economic Development if Enterprise Florida, Inc.,  
18 has provided sufficient documentation that the same amount of  
19 matching private funds as the amount placed in reserve has  
20 been contributed during the same fiscal year to Enterprise  
21 Florida, Inc., in support of its economic development efforts.  
22 If sufficient documentation is not provided by the end of the  
23 fiscal year, such funds shall revert back to the General  
24 Revenue Fund.

25           (b) In fiscal years 1999-2000 and 2000-2001, 50  
26 percent of the funds placed in reserve may be released by the  
27 same budget amendment process if Enterprise Florida, Inc., has  
28 provided sufficient documentation that the amount of matching  
29 private funds contributed during the same fiscal year to  
30 Enterprise Florida, Inc., is equal to 75 percent of the funds  
31 placed in reserve. The remaining funds in reserve may be

1 released by the same budget amendment process if Enterprise  
2 Florida, Inc., meets the requirements of paragraph (a).

3

4 In each fiscal year, at least 55 percent of the matching  
5 private funds required to be documented under this subsection  
6 must be comprised of the first category of matching private  
7 funds described in subsection (3).

8 (2) Prior to the 1999 Regular Session of the  
9 Legislature, the Office of Program Policy Analysis and  
10 Government Accountability shall conduct a review of the  
11 contributions made to Enterprise Florida, Inc., during the  
12 prior 3 years pursuant to this section. The review must be  
13 conducted in such a manner as to determine the amount and type  
14 of matching private funds contributed and the circumstances  
15 affecting the ability to achieve or not achieve the specified  
16 amount of matching private funds for each year. Based on this  
17 information and historical data, the Office of Program Policy  
18 Analysis and Governmental Accountability shall determine  
19 whether the funding levels of matching private funds for  
20 fiscal year 1999-2000, and fiscal year 2000-2001, as specified  
21 in this section, are appropriate. This report shall be  
22 submitted by January 1, 1999, to the President of the Senate,  
23 the Speaker of the House of Representatives, the Senate  
24 Minority Leader, and the House Minority Leader.

25 (3) For the purposes of this section, matching private  
26 funds shall be divided into two categories. The first category  
27 of matching private funds shall include any payment of cash  
28 ~~made in response to a solicitation by~~ Enterprise Florida,  
29 Inc., and used ~~exclusively~~ by Enterprise Florida, Inc., in its  
30 operations or programs, excluding any payment of cash made by  
31 any entity to qualify for any Enterprise Florida, Inc., state,

1 or local incentive, grant, or loan program, or any cash  
2 received by Enterprise Florida, Inc., pursuant to a grant or  
3 contract. The second category of matching private funds shall  
4 include a conveyance of property, or payment or distribution  
5 of property or anything of value, including contributions  
6 in-kind having an attributable monetary value in any form, and  
7 including any payment of cash not counted within the first  
8 category of matching private funds. Contributions in-kind  
9 include, but are not limited to, goods or services rendered.  
10 The cost of the contribution shall be the reasonable cost to  
11 the sponsor of the goods or services.

12 Section 8. This act shall take effect July 1, 1998.

13

14 \*\*\*\*\*

15 SENATE SUMMARY

16 Revises the reporting requirements of the Office of  
17 Tourism, Trade, and Economic Development. Authorizes the  
18 office to coordinate the establishment of a one-stop  
19 permit registry. Clarifies the definition of the term  
20 "new business" under the Urban High-Crime Area Job Tax  
21 Credit Program and the Rural Job Tax Credit Program.  
22 Provides that the prohibition against contracting with  
23 entities that have requested confidentiality of certain  
24 economic development information does not apply to a  
25 public officer or employee or an economic development  
26 agency employee acting in an official capacity. Caps the  
27 total amount of the state share of tax refunds that may  
28 be approved for a single fiscal year. Conforms the  
29 limitation on the amount of tax refunds under the  
30 qualified defense contractor tax refund program to the  
31 amount appropriated by the Legislature. Revises the  
matching private funding requirements for Enterprise  
Florida, Inc. Provides for partial release of funds in  
reserve.

26

27

28

29

30

31