

By the Committees on Ways and Means, Commerce and Economic Opportunities and Senators Harris and Klein

301-1982-98

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. 212.08,
10 F.S.; exempting certain property based in
11 enterprise zones from the sales tax under
12 certain circumstances; amending s. 212.096,
13 F.S.; expanding enterprise zone sales tax
14 credit to JTPA or WAGES Program participants
15 not residing in an enterprise zone; requiring
16 documentation; amending ss. 212.097 and
17 212.098, F.S.; clarifying the definition of a
18 "new business" under the Urban High-Crime Area
19 Job Tax Credit Program and the Rural Job Tax
20 Credit Program; providing that certain call
21 centers or similar customer service operations
22 are eligible businesses under these programs;
23 amending s. 220.03, F.S.; expanding enterprise
24 zone corporate tax credit to JTPA or WAGES
25 Program participants not residing in an
26 enterprise zone; amending s. 220.181, F.S.;
27 requiring documentation; amending s. 288.075,
28 F.S.; specifying that the prohibition against
29 contracting with entities that have requested
30 confidentiality concerning certain economic
31 development information does not apply to a

1 public officer or employee or an economic
2 development agency employee acting in his or
3 her official capacity; amending s. 288.095,
4 F.S.; establishing a cap on the total amount of
5 the state share of tax refunds which may be
6 approved for a single fiscal year under the tax
7 refund programs for qualified defense
8 contractors, qualified target industry
9 businesses, and brownfield redevelopment;
10 amending s. 288.1045, F.S.; conforming the
11 limitation on the amount of tax refunds
12 approved for payment under the qualified
13 defense contractor tax refund program to the
14 amount appropriated by the Legislature for such
15 refunds; correcting references relating to
16 program administration; amending s. 288.106,
17 F.S.; authorizing a reduced employment
18 threshold for expanding businesses in certain
19 rural areas or enterprise zones under the tax
20 refund program for qualified target industry
21 businesses; amending s. 288.1221, F.S.;
22 conforming legislative intent on the time
23 period covered by a tourism promotion marketing
24 plan to the time period covered by the
25 marketing plan prepared by the Florida
26 Commission on Tourism under s. 288.1224, F.S.;
27 amending s. 288.1222, F.S.; revising the
28 definition of "tourist" to clarify that the
29 term applies to a person participating in trade
30 or recreation activities outside the county of
31 permanent residence; amending s. 288.1223,

1 F.S.; eliminating an historical reference to
2 the first meeting of the Florida Commission on
3 Tourism; providing that the commission shall
4 meet at least quarterly; providing that the
5 commission shall elect a vice chairman
6 annually; providing legislative findings and
7 intent on the potential economic development
8 benefits of ecotourism; authorizing the
9 Division of Recreation and Parks of the
10 Department of Environmental Protection, subject
11 to legislative appropriation, to establish an
12 ecotourism promotion program; providing for
13 eligible uses of funds under such program;
14 authorizing funds to be used to award
15 ecotourism promotion grants; prescribing grant
16 application procedures and eligible uses of
17 grant awards; amending s. 479.261, F.S.;
18 expanding the logo sign program to include
19 certain heritage, historic, or scenic trails;
20 amending s. 288.90151, F.S.; revising the
21 matching private funding requirements for
22 Enterprise Florida, Inc.; providing for partial
23 release of funds placed in reserve under
24 specified circumstances; amending s. 288.9618,
25 F.S.; limiting the amount of appropriations for
26 the microenterprise program that may be used
27 for administrative expenses; creating s.
28 288.9958, F.S.; establishing the PRIDE Job
29 Placement Incentive Program; directing
30 Enterprise Florida, Inc., to examine the
31 current and potential economic development

1 contribution of the biotechnology industry and
2 other health technology industries to this
3 state; requiring Enterprise Florida, Inc., to
4 report to the Legislature on findings and
5 recommendations; providing for designation of
6 an enterprise zone that encompasses a
7 brownfield project under certain circumstances;
8 amending s. 370.28, F.S.; providing that a
9 business located in an enterprise zone in a
10 community impacted by net limitations is
11 eligible for the maximum sales tax exemption
12 for building materials used in the
13 rehabilitation of real property in an
14 enterprise zone, for business property used in
15 an enterprise zone, and for electrical energy
16 used in an enterprise zone, and the maximum
17 enterprise zone property tax credit against the
18 corporate income tax, if a specified percentage
19 of its employees are residents of the
20 jurisdiction of the county, rather than of the
21 enterprise zone; requiring businesses eligible
22 to receive certain tax credits to apply for
23 such credits by a time certain; amending s.
24 414.25, F.S.; extending the expiration date;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (6) of section 14.2015, Florida
30 Statutes, is amended to read:

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1 14.2015 Office of Tourism, Trade, and Economic
2 Development; creation; powers and duties.--

3 (6)(a) In order to improve the state's regulatory
4 environment, the Office of Tourism, Trade, and Economic
5 Development shall consider the impact of agency rules on
6 businesses, provide one-stop permit information and
7 assistance, and serve as an advocate for businesses,
8 particularly small businesses, in their dealings with state
9 agencies.

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

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

15 1. Review proposed agency actions for impacts on small
16 businesses and offer alternatives to mitigate such impacts, as
17 provided in s. 120.54.

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

22 3. Make recommendations to the Legislature and to
23 agencies for improving permitting procedures affecting
24 business activities in the state. By October 1, 1997, and
25 annually thereafter as part of the report prepared pursuant to
26 paragraph (2)(e), the Office of Tourism, Trade, and Economic
27 Development shall ~~submit a~~ report to the Legislature on
28 ~~containing~~ the following:

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

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1 b. An identification and description of those agency
2 rules repealed or modified during each calendar year to
3 improve the regulatory climate for businesses operating in the
4 state.

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

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

10 (II) Assistance in the completion of such
11 applications.

12 (III) Centralized collection of any permit fees and
13 distribution of such fees to agencies.

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

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17 Subject to legislative appropriation, the Office of Tourism,
18 Trade, and Economic Development is authorized to coordinate
19 the establishment of such a one-stop permit registry,
20 including, but not limited to, working with all appropriate
21 state agencies on the implementation of the operating plan.~~If~~
22 ~~the Legislature establishes~~ such a registry is established,
23 subsequent annual reports to the Legislature from the Office
24 of Tourism, Trade, and Economic Development pursuant to this
25 paragraph must cover the status and performance of this
26 registry.

27 4. Serve as a clearinghouse for information on which
28 permits are required for a particular business and on the
29 respective application process, including criteria applied in
30 making a determination on a permit application. Each state
31 agency that requires a permit, license, or registration for a

1 business shall submit to the Office of Tourism, Trade, and
2 Economic Development by August 1 of each year a list of the
3 types of businesses and professions that it regulates and of
4 each permit, license, or registration that it requires for a
5 type of business or profession.

6 5. Obtain information and permit applications from
7 agencies and provide such information and permit applications
8 to the public.

9 6. Arrange, upon request, informal conferences between
10 a business and an agency to clarify regulatory requirements or
11 standards or to identify and address problems in the permit
12 review process.

13 7. Determine, upon request, the status of a particular
14 permit application.

15 8. Receive complaints and suggestions concerning
16 permitting policies and activities of governmental agencies
17 which affect businesses.

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

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

25 (f) The office shall clearly represent that its
26 services are advisory, informational, and facilitative only.
27 Advice, information, and assistance rendered by the office
28 does not relieve any person or business from the obligation to
29 secure a required permit. The office is not liable for any
30 consequences resulting from the failure to issue or to secure
31 a required permit. However, an applicant who uses the services

1 of the office and who receives a written statement identifying
2 required state permits relating to a business activity may not
3 be assessed a penalty for failure to obtain a state permit
4 that was not identified, if the applicant submits an
5 application for each such permit within 60 days after written
6 notification from the agency responsible for issuing the
7 permit.

8 Section 2. Paragraph (h) of subsection (5) of section
9 212.08, Florida Statutes, is amended to read:

10 212.08 Sales, rental, use, consumption, distribution,
11 and storage tax; specified exemptions.--The sale at retail,
12 the rental, the use, the consumption, the distribution, and
13 the storage to be used or consumed in this state of the
14 following are hereby specifically exempt from the tax imposed
15 by this chapter.

16 (5) EXEMPTIONS; ACCOUNT OF USE.--

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

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

26 2. To receive a refund, the business must file under
27 oath with the governing body or enterprise zone development
28 agency having jurisdiction over the enterprise zone where the
29 business is located, as applicable, an application which
30 includes:

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

1 temporary and part-time employees. The certification shall be
2 in writing, and a copy of the certification shall be
3 transmitted to the executive director of the Department of
4 Revenue. The business shall be responsible for forwarding a
5 certified application to the department within the time
6 specified in subparagraph 4.

7 4. An application for a refund pursuant to this
8 paragraph must be submitted to the department within 6 months
9 after the business property is purchased.

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

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

30 7. If the department determines that the business
31 property is used outside an enterprise zone within 3 years

1 from the date of purchase, the amount of taxes refunded to the
2 business purchasing such business property shall immediately
3 be due and payable to the department by the business, together
4 with the appropriate interest and penalty, computed from the
5 date of purchase, in the manner provided by this chapter.

6 Notwithstanding this subparagraph, business property used
7 exclusively in:

- 8 a. Licensed commercial fishing vessels,
- 9 b. Fishing guide boats, or
- 10 c. Ecotourism guide boats

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

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

26 9. For the purposes of this exemption, "business
27 property" means new or used property defined as "recovery
28 property" in s. 168(c) of the Internal Revenue Code of 1954,
29 as amended, except:

- 30 a. Property classified as 3-year property under s.
31 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

1 b. Industrial machinery and equipment as defined in
2 sub-subparagraph (b)6.a. and eligible for exemption under
3 paragraph (b); and

4 c. Building materials as defined in sub-subparagraph
5 (g)8.a.

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

8 Section 3. Subsection (1) and paragraph (a) of
9 subsection (3) of section 212.096, Florida Statutes, are
10 amended to read:

11 212.096 Sales, rental, storage, use tax; enterprise
12 zone jobs credit against sales tax.--

13 (1) For the purposes of the credit provided in this
14 section:

15 (a) "Eligible business" means any sole proprietorship,
16 firm, partnership, corporation, bank, savings association,
17 estate, trust, business trust, receiver, syndicate, or other
18 group or combination, or successor business, located in an
19 enterprise zone. An eligible business does not include any
20 business which has claimed the credit permitted under s.
21 220.181 for any new business employee first beginning
22 employment with the business after July 1, 1995.

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

28 (c) "New employee" means a person residing in an
29 enterprise zone, a qualified Job Training Partnership Act
30 classroom training participant, or a WAGES Program participant
31 who begins employment with an eligible business after July 1,

1 1995, and who has not been previously employed within the
2 preceding 12 months by the eligible business, or a successor
3 eligible business, claiming the credit allowed by this
4 section.

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6 A person shall be deemed to be employed if the person performs
7 duties in connection with the operations of the business on a
8 regular, full-time basis, provided the person is performing
9 such duties for an average of at least 36 hours per week each
10 month, or a part-time basis, provided the person is performing
11 such duties for an average of at least 20 hours per week each
12 month throughout the year. The person must be performing such
13 duties at a business site located in the enterprise zone.

14 (3) In order to claim this credit, an eligible
15 business must file under oath with the governing body or
16 enterprise zone development agency having jurisdiction over
17 the enterprise zone where the business is located, as
18 applicable, a statement which includes:

19 (a) For each new employee for whom this credit is
20 claimed, the employee's name and place of residence, including
21 the identifying number assigned pursuant to s. 290.0065 to the
22 enterprise zone in which the employee resides if the new
23 employee is a person residing in an enterprise zone, and, if
24 applicable, documentation that the employee is a qualified Job
25 Training Partnership Act classroom training participant or a
26 WAGES Program participant.

27 Section 4. Subsection (2) of section 212.097, Florida
28 Statutes, is amended to read:

29 212.097 Urban High-Crime Area Job Tax Credit
30 Program.--

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

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

28 (b) "Qualified employee" means any employee of an
29 eligible business who performs duties in connection with the
30 operations of the business on a regular, full-time basis for
31 an average of at least 36 hours per week for at least 3 months

1 within the qualified high-crime area in which the eligible
2 business is located. An owner or partner of the eligible
3 business is not a qualified employee. The term also includes
4 an employee leased from an employee leasing company licensed
5 under chapter 468, if such employee has been continuously
6 leased to the employer for an average of at least 36 hours per
7 week for more than 6 months.

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

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

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

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

26 2. Highest reported crime volume and rate of specific
27 property crimes such as business and residential burglary,
28 motor vehicle theft, and vandalism;

29 3. Highest percentage of reported index crimes that
30 are violent in nature;

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1 4. Highest overall index crime volume for the area;
2 and

3 5. Highest overall index crime rate for the geographic
4 area.

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6 Tier-one areas are ranked 1 through 5 and represent the
7 highest crime areas according to this ranking. Tier-two areas
8 are ranked 6 through 10 according to this ranking. Tier-three
9 areas are ranked 11 through 15.

10 Section 5. Subsection (2) of section 212.098, Florida
11 Statutes, is amended to read:

12 212.098 Rural Job Tax Credit Program.--

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

14 (a) "Eligible business" means any sole proprietorship,
15 firm, partnership, or corporation that is located in a
16 qualified county and is predominantly engaged in, or is
17 headquarters for a business predominantly engaged in,
18 activities usually provided for consideration by firms
19 classified within the following standard industrial
20 classifications: SIC 01 through SIC 09 (agriculture,
21 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
22 SIC 422 (public warehousing and storage); SIC 70 (hotels and
23 other lodging places); SIC 7391 (research and development);
24 SIC 7992 (public golf courses); and SIC 7996 (amusement
25 parks). A call center or similar customer service operation
26 that services a multistate market or an international market
27 is also an eligible business. Excluded from eligible receipts
28 are receipts from retail sales, except such receipts for
29 hotels and other lodging places classified in SIC 70, public
30 golf courses in SIC 7992, and amusement parks in SIC 7996.
31 For purposes of this paragraph, the term "predominantly" means

1 that more than 50 percent of the business's gross receipts
2 from all sources is generated by those activities usually
3 provided for consideration by firms in the specified standard
4 industrial classification. The determination of whether the
5 business is located in a qualified county and the tier ranking
6 of that county must be based on the date of application for
7 the credit under this section. Commonly owned and controlled
8 entities are to be considered a single business entity.

9 (b) "Qualified employee" means any employee of an
10 eligible business who performs duties in connection with the
11 operations of the business on a regular, full-time basis for
12 an average of at least 36 hours per week for at least 3 months
13 within the qualified county in which the eligible business is
14 located. An owner or partner of the eligible business is not a
15 qualified employee.

16 (c) "Qualified county" means a county that has a
17 population of fewer than 75,000 persons, or any county that
18 has a population of 100,000 or less and is contiguous to a
19 county that has a population of less than 75,000, selected in
20 the following manner: every third year, the Office of
21 Tourism, Trade, and Economic Development shall rank and tier
22 the state's counties according to the following four factors:

23 1. Highest unemployment rate for the most recent
24 36-month period.

25 2. Lowest per capita income for the most recent
26 36-month period.

27 3. Highest percentage of residents whose incomes are
28 below the poverty level, based upon the most recent data
29 available.

30 4. Average weekly manufacturing wage, based upon the
31 most recent data available.

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2 Tier-one qualified counties are those ranked 1 through 5 and
3 represent the state's least-developed counties according to
4 this ranking. Tier-two qualified counties are those ranked 6
5 through 10, and tier-three counties are those ranked 11
6 through 15.

7 (d) "New business" means any eligible business first
8 beginning operation on a site in a qualified county and
9 clearly separate from any other commercial or business
10 operation of the business entity within a qualified county. A
11 business entity that operated an eligible business within a
12 qualified county within the 48 months before the period
13 provided for application by subsection (3)~~date~~ shall not be
14 considered a new business.

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

17 Section 6. Paragraph (q) of subsection (1) of section
18 220.03, Florida Statutes, is amended to read:

19 220.03 Definitions.--

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

24 (q) "New employee," for the purposes of the enterprise
25 zone jobs credit, means a person residing in an enterprise
26 zone, a qualified Job Training Partnership Act classroom
27 training participant, or a WAGES Program participant employed
28 at a business located in an enterprise zone who begins
29 employment in the operations of the business after July 1,
30 1995, and who has not been previously employed within the
31 preceding 12 months by the business or a successor business

1 claiming the credit pursuant to s. 220.181. A person shall be
2 deemed to be employed by such a business if the person
3 performs duties in connection with the operations of the
4 business on a full-time basis, provided she or he is
5 performing such duties for an average of at least 36 hours per
6 week each month, or a part-time basis, provided she or he is
7 performing such duties for an average of at least 20 hours per
8 week each month throughout the year. The person must be
9 performing such duties at a business site located in an
10 enterprise zone. The provisions of this paragraph shall expire
11 and be void on June 30, 2005.

12 Section 7. Paragraph (a) of subsection (2) of section
13 220.181, Florida Statutes, is amended to read:

14 220.181 Enterprise zone jobs credit.--

15 (2) When filing for an enterprise zone jobs credit, a
16 business must file under oath with the governing body or
17 enterprise zone development agency having jurisdiction over
18 the enterprise zone where the business is located, as
19 applicable, a statement which includes:

20 (a) For each new employee for whom this credit is
21 claimed, the employee's name and place of residence during the
22 taxable year, including the identifying number assigned
23 pursuant to s. 290.0065 to the enterprise zone in which the
24 new employee resides if the new employee is a person residing
25 in an enterprise zone, and, if applicable, documentation that
26 the employee is a qualified Job Training Partnership Act
27 classroom training participant or a WAGES Program participant.

28 Section 8. Section 288.075, Florida Statutes, is
29 amended to read:

30 288.075 Confidentiality of records.--

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1 (1) As used in this section, the term "economic
2 development agency" means the Division of Economic Development
3 of the Department of Commerce, any industrial development
4 authority created in accordance with part III of chapter 159
5 or by special law, the public economic development agency that
6 advises the county commission on the issuance of industrial
7 revenue bonds of a county that does not have an industrial
8 development authority created in accordance with part III of
9 chapter 159 or by special law, or any research and development
10 authority created in accordance with part V of chapter 159.
11 The term also includes any private agency, person,
12 partnership, corporation, or business entity when authorized
13 by the state, a municipality, or a county to promote the
14 general business interests or industrial interests of the
15 state or that municipality or county.

16 (2) Upon written request from a private corporation,
17 partnership, or person, records of an economic development
18 agency which contain or would provide information concerning
19 plans, intentions, or interests of such private corporation,
20 partnership, or person to locate, relocate, or expand any of
21 its business activities in this state are confidential and
22 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution for 24 months after the date an economic
24 development agency receives a request for confidentiality or
25 until disclosed by an economic development agency pursuant to
26 subsection (4) or by the party requesting confidentiality
27 under this section. Confidentiality must be maintained until
28 the expiration of the 24-month period or until documents or
29 information are otherwise disclosed, whichever occurs first.
30 This confidentiality does not apply when any party petitions a
31 court of competent jurisdiction and, in the opinion of the

1 court, proves need for access to such documents. This
2 exemption expires October 2, 2001, and is subject to review by
3 the Legislature under the Open Government Sunset Review Act of
4 1995 in accordance with s. 119.15.

5 (3) This section does not waive any provision of
6 chapter 120 or any other provision of law requiring a public
7 hearing.

8 (4) A public officer or employee or any person who is
9 an employee of an economic development agency may not enter
10 into a binding agreement with any corporation, partnership, or
11 person who has requested confidentiality of information
12 pursuant to this section, until 90 days after such information
13 is made public, unless such public officer or employee or
14 economic development agency employee is acting in an official
15 capacity.

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

20 Section 9. Subsection (3) of section 288.095, Florida
21 Statutes, is amended to read:

22 288.095 Economic Development Trust Fund.--

23 (3)(a) Contingent upon an annual appropriation by the
24 Legislature, the Office of Tourism, Trade, and Economic
25 Development may approve tax refunds pursuant to ss. 288.1045,
26 288.106, and 288.107. ~~The office may not approve tax refunds~~
27 ~~in excess of the amount appropriated to the Economic~~
28 ~~Development Incentives Account for such tax refunds, for a~~
29 ~~fiscal year pursuant to paragraph (b).~~

30 (b) The combined total amount of the state share of
31 tax refunds approved by the Office of Tourism, Trade, and

1 Economic Development pursuant to ss. 288.1045, 288.106, and
2 288.107 for a single fiscal year shall not exceed the lesser
3 of \$30 million or the amount appropriated to the Economic
4 Development Incentives Account for such state share of tax
5 refunds ~~purposes~~ for the fiscal year. In the event the
6 Legislature does not appropriate an amount sufficient to
7 satisfy projections by the office for tax refunds under ss.
8 288.1045, 288.106, and 288.107 in a fiscal year, the Office of
9 Tourism, Trade, and Economic Development shall, not later than
10 July 15 of such year, determine the proportion of each refund
11 claim which shall be paid by dividing the amount appropriated
12 for tax refunds for the fiscal year by the projected total of
13 refund claims for the fiscal year. The amount of each claim
14 for a tax refund shall be multiplied by the resulting
15 quotient. If, after the payment of all such refund claims,
16 funds remain in the Economic Development Incentives Account
17 for tax refunds, the office shall recalculate the proportion
18 for each refund claim and adjust the amount of each claim
19 accordingly.

20 (c) By September 30 of each year, the Office of
21 Tourism, Trade, and Economic Development shall submit a
22 complete and detailed report to the board of directors of
23 Enterprise Florida, Inc., created under part VII of this
24 chapter, of all applications received, final decisions issued,
25 tax refund agreements executed, and tax refunds paid or other
26 payments made under all programs funded out of the Economic
27 Development Incentives Account, including analyses of benefits
28 and costs, types of projects supported, and employment and
29 investment created. The Office of Tourism, Trade, and Economic
30 Development shall also include a separate analysis of the
31 impact of such tax refunds on state enterprise zones

1 designated pursuant to s. 290.0065. By December 1 of each
2 year, the board of directors of Enterprise Florida, Inc.,
3 shall review and comment on the report, and the board shall
4 submit the report, together with the comments of the board, to
5 the Governor, the President of the Senate, and the Speaker of
6 the House of Representatives. The report must discuss whether
7 the authority and moneys appropriated by the Legislature to
8 the Economic Development Incentives Account were managed and
9 expended in a prudent, fiducially sound manner.

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

13 (e) The Office of Tourism, Trade, and Economic
14 Development may adopt rules necessary to carry out the
15 provisions of this subsection, including rules providing for
16 the use of moneys in the Economic Development Incentives
17 Account and for the administration of the Economic Development
18 Incentives Account.

19 Section 10. Section 288.1045, Florida Statutes, is
20 amended to read:

21 288.1045 Qualified defense contractor tax refund
22 program.--

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

24 (a) "Consolidation of a Department of Defense
25 contract" means the consolidation of one or more of an
26 applicant's facilities under one or more Department of Defense
27 contracts either from outside this state or from inside and
28 outside this state, into one or more of the applicant's
29 facilities inside this state.

30 (b) "Average wage in the area" means the average of
31 all wages and salaries in the state, the county, or in the

1 standard metropolitan area in which the business unit is
2 located.

3 (c) "Applicant" means any business entity that holds a
4 valid Department of Defense contract or any business entity
5 that is a subcontractor under a valid Department of Defense
6 contract or any business entity that holds a valid contract
7 for the reuse of a defense-related facility, including all
8 members of an affiliated group of corporations as defined in
9 s. 220.03(1)(b).

10 (d) "Office"~~"Division"~~ means the Office of Tourism,
11 Trade, and Economic Development ~~Division of Economic~~
12 ~~Development of the Department of Commerce.~~

13 (e) "Department of Defense contract" means a
14 competitively bid Department of Defense contract or a
15 competitively bid federal agency contract issued on behalf of
16 the Department of Defense for manufacturing, assembling,
17 fabricating, research, development, or design with a duration
18 of 2 or more years, but excluding any contract to provide
19 goods, improvements to real or tangible property, or services
20 directly to or for any particular military base or
21 installation in this state.

22 (f) "New Department of Defense contract" means a
23 Department of Defense contract entered into after the date
24 application for certification as a qualified applicant is made
25 and after January 1, 1994.

26 (g) "Jobs" means full-time equivalent positions,
27 consistent with the use of such terms by the Department of
28 Labor and Employment Security for the purpose of unemployment
29 compensation tax, resulting directly from a project in this
30 state. This number does not include temporary construction
31

1 jobs involved with the construction of facilities for the
2 project.

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

6 (i) "Project" means any business undertaking in this
7 state under a new Department of Defense contract,
8 consolidation of a Department of Defense contract, or
9 conversion of defense production jobs over to nondefense
10 production jobs or reuse of defense-related facilities.

11 (j) "Qualified applicant" means an applicant that has
12 been approved by the director ~~secretary~~ to be eligible for tax
13 refunds pursuant to this section.

14 (k) "Director"~~"Secretary"~~ means the director of the
15 Office of Tourism, Trade, and Economic Development ~~Secretary~~
16 ~~of Commerce~~.

17 (l) "Taxable year" means the same as in s.
18 220.03(1)(z).

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

20 (n) "Business unit" means an employing unit, as
21 defined in s. 443.036, that is registered with the Department
22 of Labor and Employment Security for unemployment compensation
23 purposes or means a subcategory or division of an employing
24 unit that is accepted by the Department of Labor and
25 Employment Security as a reporting unit.

26 (o) "Local financial support" means funding from local
27 sources, public or private, which is paid to the Economic
28 Development Trust Fund and which is equal to 20 percent of the
29 annual tax refund for a qualified applicant. Local financial
30 support may include excess payments made to a utility company
31 under a designated program to allow decreases in service by

1 the utility company under conditions, regardless of when
2 application is made. A qualified applicant may not provide,
3 directly or indirectly, more than 5 percent of such funding in
4 any fiscal year. The sources of such funding may not include,
5 directly or indirectly, state funds appropriated from the
6 General Revenue Fund or any state trust fund, excluding tax
7 revenues shared with local governments pursuant to law.

8 (p) "Contract for reuse of a defense-related facility"
9 means a contract with a duration of 2 or more years for the
10 use of a facility for manufacturing, assembling, fabricating,
11 research, development, or design of tangible personal
12 property, but excluding any contract to provide goods,
13 improvements to real or tangible property, or services
14 directly to or for any particular military base or
15 installation in this state. Such facility must be located
16 within a port, as defined in s. 313.21, and have been occupied
17 by a business entity that held a valid Department of Defense
18 contract or occupied by any branch of the Armed Forces of the
19 United States, within 1 year of any contract being executed
20 for the reuse of such facility. A contract for reuse of a
21 defense-related facility may not include any contract for
22 reuse of such facility for any Department of Defense contract
23 for manufacturing, assembling, fabricating, research,
24 development, or design.

25 (q) "Local financial support exemption option" means
26 the option to exercise an exemption from the local financial
27 support requirement available to any applicant whose project
28 is located in a county designated by the Rural Economic
29 Development Initiative, if the county commissioners of the
30 county in which the project will be located adopt a resolution
31 requesting that the applicant's project be exempt from the

1 local financial support requirement. Any applicant that
2 exercises this option is not eligible for more than 80 percent
3 of the total tax refunds allowed such applicant under this
4 section.

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
9 ~~secretary~~ which were paid by such qualified applicant. The
10 total amount of refunds for all fiscal years for each
11 qualified applicant shall be determined pursuant to subsection
12 (3). The annual amount of a refund to a qualified applicant
13 shall be determined pursuant to subsection (5).

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

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

26 (d) Contingent upon an annual appropriation by the
27 Legislature, the director ~~secretary~~ may approve not more ~~than~~
28 ~~the lesser of \$25 million~~ in tax refunds than ~~or~~ the amount
29 appropriated to the Economic Development Trust Fund for tax
30 refunds, for a fiscal year pursuant to subsection (5) and s.
31 288.095.

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

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

16 1. Taxes on sales, use, and other transactions paid
17 pursuant to chapter 212.

18 2. Corporate income taxes paid pursuant to chapter
19 220.

20 3. Intangible personal property taxes paid pursuant to
21 chapter 199.

22 4. Emergency excise taxes paid pursuant to chapter
23 221.

24 5. Excise taxes paid on documents pursuant to chapter
25 201.

26 6. Ad valorem taxes paid, as defined in s.
27 220.03(1)(a) on June 1, 1996.

28
29 However, a qualified applicant may not receive a tax refund
30 pursuant to this section for any amount of credit, refund, or
31 exemption granted such contractor for any of such taxes. If a

1 refund for such taxes is provided by the office ~~Department of~~
2 ~~Commerce~~, which taxes are subsequently adjusted by the
3 application of any credit, refund, or exemption granted to the
4 qualified applicant other than that provided in this section,
5 the qualified applicant shall reimburse the Economic
6 Development Trust Fund for the amount of such credit, refund,
7 or exemption. A qualified applicant must notify and tender
8 payment to the office ~~Department of Commerce~~ within 20 days
9 after receiving a credit, refund, or exemption, other than
10 that provided in this section.

11 (g) Any qualified applicant who fraudulently claims
12 this refund is liable for repayment of the refund to the
13 Economic Development Trust Fund plus a mandatory penalty of
14 200 percent of the tax refund which shall be deposited into
15 the General Revenue Fund. Any qualified applicant who
16 fraudulently claims this refund commits a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084.

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

27 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
28 DETERMINATION.--

29 (a) To apply for certification as a qualified
30 applicant pursuant to this section, an applicant must file an
31 application with the office ~~division~~ which satisfies the

1 requirements of paragraphs (b) and (e), paragraphs (c) and
2 (e), or paragraphs (d) and (e). An applicant may not apply for
3 certification pursuant to this section after a proposal has
4 been submitted for a new Department of Defense contract, after
5 the applicant has made the decision to consolidate an existing
6 Department of Defense contract in this state for which such
7 applicant is seeking certification, or after the applicant has
8 made the decision to convert defense production jobs to
9 nondefense production jobs for which such applicant is seeking
10 certification.

11 (b) Applications for certification based on the
12 consolidation of a Department of Defense contract or a new
13 Department of Defense contract must be submitted to the office
14 ~~division~~ as prescribed by the office ~~Department of Commerce~~
15 and must include, but are not limited to, the following
16 information:

17 1. The applicant's federal employer identification
18 number, the applicant's Florida sales tax registration number,
19 and a notarized signature of an officer of the applicant.

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

24 3. The Department of Defense contract numbers of the
25 contract to be consolidated, the new Department of Defense
26 contract number, or the "RFP" number of a proposed Department
27 of Defense contract.

28 4. The date the contract was executed or is expected
29 to be executed, and the date the contract is due to expire or
30 is expected to expire.

31

1 5. The commencement date for project operations under
2 the contract in this state.

3 6. The number of full-time equivalent jobs in this
4 state which are or will be dedicated to the project during the
5 year and the average wage of such jobs.

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

8 8. The percentage of the applicant's gross receipts
9 derived from Department of Defense contracts during the 5
10 taxable years immediately preceding the date the application
11 is submitted.

12 9. The amount of:

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

15 b. Corporate income taxes paid pursuant to chapter
16 220;

17 c. Intangible personal property taxes paid pursuant to
18 chapter 199;

19 d. Emergency excise taxes paid pursuant to chapter
20 221;

21 e. Excise taxes paid on documents pursuant to chapter
22 201; and

23 f. Ad valorem taxes paid

24
25 during the 5 fiscal years immediately preceding the date of
26 the application, and the projected amounts of such taxes to be
27 due in the 3 fiscal years immediately following the date of
28 the application.

29 10. The estimated amount of tax refunds to be claimed
30 in each fiscal year.

31

1 11. A brief statement concerning the applicant's need
2 for tax refunds, and the proposed uses of such refunds by the
3 applicant.

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

18 13. Any additional information requested by the office
19 division.

20 (c) Applications for certification based on the
21 conversion of defense production jobs to nondefense production
22 jobs must be submitted to the office division as prescribed by
23 the office ~~Department of Commerce~~ and must include, but are
24 not limited to, the following information:

25 1. The applicant's federal employer identification
26 number, the applicant's Florida sales tax registration number,
27 and a notarized signature of an officer of the applicant.

28 2. The permanent location of the manufacturing,
29 assembling, fabricating, research, development, or design
30 facility in this state at which the project is or is to be
31 located.

1 3. The Department of Defense contract numbers of the
2 contract under which the defense production jobs will be
3 converted to nondefense production jobs.

4 4. The date the contract was executed, and the date
5 the contract is due to expire or is expected to expire, or was
6 canceled.

7 5. The commencement date for the nondefense production
8 operations in this state.

9 6. The number of full-time equivalent jobs in this
10 state which are or will be dedicated to the nondefense
11 production project during the year and the average wage of
12 such jobs.

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

15 8. The percentage of the applicant's gross receipts
16 derived from Department of Defense contracts during the 5
17 taxable years immediately preceding the date the application
18 is submitted.

19 9. The amount of:

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

22 b. Corporate income taxes paid pursuant to chapter
23 220;

24 c. Intangible personal property taxes paid pursuant to
25 chapter 199;

26 d. Emergency excise taxes paid pursuant to chapter
27 221;

28 e. Excise taxes paid on documents pursuant to chapter
29 201; and

30 f. Ad valorem taxes paid
31

1 during the 5 fiscal years immediately preceding the date of
2 the application, and the projected amounts of such taxes to be
3 due in the 3 fiscal years immediately following the date of
4 the application.

5 10. The estimated amount of tax refunds to be claimed
6 in each fiscal year.

7 11. A brief statement concerning the applicant's need
8 for tax refunds, and the proposed uses of such refunds by the
9 applicant.

10 12. A resolution adopted by the county commissioners
11 of the county in which the project will be located, which
12 recommends the applicant be approved as a qualified applicant,
13 and which indicates that the necessary commitments of local
14 financial support for the applicant exist. Prior to the
15 adoption of the resolution, the county commission may review
16 the proposed public or private sources of such support and
17 determine whether the proposed sources of local financial
18 support can be provided or, for any applicant whose project is
19 located in a county designated by the Rural Economic
20 Development Initiative, a resolution adopted by the county
21 commissioners of such county requesting that the applicant's
22 project be exempt from the local financial support
23 requirement.

24 13. Any additional information requested by the office
25 ~~division~~.

26 (d) Applications for certification based on a contract
27 for reuse of a defense-related facility must be submitted to
28 the office division as prescribed by the office ~~Department of~~
29 ~~Commerce~~ and must include, but are not limited to, the
30 following information:

31

- 1 1. The applicant's Florida sales tax registration
- 2 number and a notarized signature of an officer of the
- 3 applicant.
- 4 2. The permanent location of the manufacturing,
- 5 assembling, fabricating, research, development, or design
- 6 facility in this state at which the project is or is to be
- 7 located.
- 8 3. The business entity holding a valid Department of
- 9 Defense contract or branch of the Armed Forces of the United
- 10 States that previously occupied the facility, and the date
- 11 such entity last occupied the facility.
- 12 4. A copy of the contract to reuse the facility, or
- 13 such alternative proof as may be prescribed by the office
- 14 ~~department~~ that the applicant is seeking to contract for the
- 15 reuse of such facility.
- 16 5. The date the contract to reuse the facility was
- 17 executed or is expected to be executed, and the date the
- 18 contract is due to expire or is expected to expire.
- 19 6. The commencement date for project operations under
- 20 the contract in this state.
- 21 7. The number of full-time equivalent jobs in this
- 22 state which are or will be dedicated to the project during the
- 23 year and the average wage of such jobs.
- 24 8. The total number of full-time equivalent employees
- 25 employed by the applicant in this state.
- 26 9. The amount of:
- 27 a. Taxes on sales, use, and other transactions paid
- 28 pursuant to chapter 212.
- 29 b. Corporate income taxes paid pursuant to chapter
- 30 220.
- 31

- 1 c. Intangible personal property taxes paid pursuant to
2 chapter 199.
- 3 d. Emergency excise taxes paid pursuant to chapter
4 221.
- 5 e. Excise taxes paid on documents pursuant to chapter
6 201.
- 7 f. Ad valorem taxes paid during the 5 fiscal years
8 immediately preceding the date of the application, and the
9 projected amounts of such taxes to be due in the 3 fiscal
10 years immediately following the date of the application.
- 11 10. The estimated amount of tax refunds to be claimed
12 in each fiscal year.
- 13 11. A brief statement concerning the applicant's need
14 for tax refunds, and the proposed uses of such refunds by the
15 applicant.
- 16 12. A resolution adopted by the county commissioners
17 of the county in which the project will be located, which
18 recommends the applicant be approved as a qualified applicant,
19 and which indicates that the necessary commitments of local
20 financial support for the applicant exist. Prior to the
21 adoption of the resolution, the county commission may review
22 the proposed public or private sources of such support and
23 determine whether the proposed sources of local financial
24 support can be provided or, for any applicant whose project is
25 located in a county designated by the Rural Economic
26 Development Initiative, a resolution adopted by the county
27 commissioners of such county requesting that the applicant's
28 project be exempt from the local financial support
29 requirement.
- 30 13. Any additional information requested by the office
31 division.

1 (e) To qualify for review by the office ~~division~~, the
2 application of an applicant must, at a minimum, establish the
3 following to the satisfaction of the office ~~division~~:

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

9 2. The consolidation of a Department of Defense
10 contract must result in a net increase of at least 25 percent
11 in the number of jobs at the applicant's facilities in this
12 state or the addition of at least 80 jobs at the applicant's
13 facilities in this state.

14 3. The conversion of defense production jobs to
15 nondefense production jobs must result in net increases in
16 nondefense employment at the applicant's facilities in this
17 state.

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

22 5. A business unit of the applicant must have derived
23 not less than 70 percent of its gross receipts in this state
24 from Department of Defense contracts over the applicant's last
25 fiscal year, and must have derived not less than 80 percent of
26 its gross receipts in this state from Department of Defense
27 contracts over the 5 years preceding the date an application
28 is submitted pursuant to this section. This subparagraph does
29 not apply to any application for certification based on a
30 contract for reuse of a defense-related facility.

31

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

3 (f) Each application meeting the requirements of
4 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
5 (d) and (e) must be submitted to the office ~~division~~ for a
6 determination of eligibility. The office ~~division~~ shall
7 review, evaluate, and score each application based on, but not
8 limited to, the following criteria:

9 1. Expected contributions to the state strategic
10 economic development plan adopted by Enterprise Florida, Inc.,
11 taking into account the extent to which the project
12 contributes to the state's high-technology base, and the
13 long-term impact of the project and the applicant on the
14 state's economy.

15 2. The economic benefit of the jobs created or
16 retained by the project in this state, taking into account the
17 cost and average wage of each job created or retained, and the
18 potential risk to existing jobs.

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

21 4. The local commitment and support for the project
22 and applicant.

23 5. The impact of the project on the local community,
24 taking into account the unemployment rate for the county where
25 the project will be located.

26 6. The dependence of the local community on the
27 defense industry.

28 7. The impact of any tax refunds granted pursuant to
29 this section on the viability of the project and the
30 probability that the project will occur in this state if such
31 tax refunds are granted to the applicant, taking into account

1 the expected long-term commitment of the applicant to economic
2 growth and employment in this state.

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

5 (g) The office ~~division~~ shall forward its written
6 findings and evaluation on each application meeting the
7 requirements of paragraphs (b) and (e), paragraphs (c) and
8 (e), or paragraphs (d) and (e) to the director ~~secretary~~
9 within 60 calendar days of receipt of a complete application.
10 The office ~~division~~ shall notify each applicant when its
11 application is complete, and when the 60-day period begins. In
12 its written report to the director ~~secretary~~, the office
13 ~~division~~ shall specifically address each of the factors
14 specified in paragraph (f), and shall make a specific
15 assessment with respect to the minimum requirements
16 established in paragraph (e). The office ~~division~~ shall
17 include in its report projections of the tax refund claims
18 that will be sought by the applicant in each fiscal year based
19 on the information submitted in the application.

20 (h) Within 30 days after receipt of the office's
21 ~~division's~~ findings and evaluation, the director ~~secretary~~
22 shall enter a final order that either approves or disapproves
23 an application. The decision must be in writing and provide
24 the justifications for either approval or disapproval. If
25 appropriate, the director ~~secretary~~ shall enter into a written
26 agreement with the qualified applicant pursuant to subsection
27 (4).

28 (i) The director ~~secretary~~ may not enter any final
29 order that certifies any applicant as a qualified applicant
30 when the value of tax refunds to be included in that final
31 order exceeds the available amount of authority to enter final

1 ~~orders as determined in s. 288.095(3) aggregate amount of tax~~
2 ~~refunds for all qualified applicants projected by the division~~
3 ~~in any fiscal year exceeds the lesser of \$25 million or the~~
4 ~~amount appropriated for tax refunds for that fiscal year. A~~
5 final order that approves an application must specify the
6 maximum amount of a tax refund that is to be available to the
7 contractor in each fiscal year and the total amount of tax
8 refunds for all fiscal years.

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

11 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
12 AGREEMENT.--

13 (a) A qualified applicant shall enter into a written
14 agreement with the office ~~department~~ containing, but not
15 limited to, the following:

16 1. The total number of full-time equivalent jobs in
17 this state that are or will be dedicated to the qualified
18 applicant's project, the average wage of such jobs, the
19 definitions that will apply for measuring the achievement of
20 these terms during the pendency of the agreement, and a time
21 schedule or plan for when such jobs will be in place and
22 active in this state. This information must be the same as the
23 information contained in the application submitted by the
24 contractor pursuant to subsection (3).

25 2. The maximum amount of a refund that the qualified
26 applicant is eligible to receive in each fiscal year.

27 3. An agreement with the office ~~department~~ allowing
28 the office ~~department~~ to review and verify the financial and
29 personnel records of the qualified applicant to ascertain
30 whether the qualified applicant is complying with the
31 requirements of this section.

1 4. The date after which, each fiscal year, the
2 qualified applicant may file an annual claim pursuant to
3 subsection (5).

4 5. That local financial support shall be annually
5 available and will be paid to the Economic Development Trust
6 Fund.

7 (b) Compliance with the terms and conditions of the
8 agreement is a condition precedent for receipt of tax refunds
9 each year. The failure to comply with the terms and conditions
10 of the agreement shall result in the loss of eligibility for
11 receipt of all tax refunds previously authorized pursuant to
12 this section, and the revocation of the certification as a
13 qualified applicant by the director ~~secretary~~.

14 (c) The agreement shall be signed by the director
15 ~~secretary~~ and the authorized officer of the qualified
16 applicant.

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

20
21 "This agreement is neither a general obligation
22 of the State of Florida, nor is it backed by
23 the full faith and credit of the State of
24 Florida. Payment of tax refunds are conditioned
25 on and subject to specific annual
26 appropriations by the Florida Legislature of
27 funds sufficient to pay amounts authorized in
28 s. 288.1045 ~~s. 288.104~~, Florida Statutes."

29
30 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
31 CONTRACTOR.--

1 (a) Qualified applicants who have entered into a
2 written agreement with the office ~~department~~ pursuant to
3 subsection (4) and who have entered into a valid new
4 Department of Defense contract, commenced the consolidation of
5 a Department of Defense contract, commenced the conversion of
6 defense production jobs to nondefense production jobs or who
7 have entered into a valid contract for reuse of a
8 defense-related facility may apply once each fiscal year to
9 the office ~~Department of Commerce~~ for tax refunds. The
10 application must be made on or after the date contained in the
11 agreement entered into pursuant to subsection (4) and must
12 include a notarized signature of an officer of the applicant.

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

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

1 abatement. A report listing all sources of the local financial
2 support shall be provided to the office ~~division~~ when such
3 support is paid to the Economic Development Trust Fund.

4 (d) The director ~~secretary~~, with assistance from the
5 office ~~division~~, the Department of Revenue, and the Department
6 of Labor and Employment Security, shall determine the amount
7 of the tax refund that is authorized for the qualified
8 applicant for the fiscal year in a written final order within
9 30 days after the date the claim for the annual tax refund is
10 received by the office ~~Department of Commerce~~.

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

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.

8 (6) ADMINISTRATION.--

9 (a) The office ~~may department shall~~ adopt rules
10 pursuant to chapter 120 for the administration of this
11 section.

12 (b) The office ~~department~~ may verify information
13 provided in any claim submitted for tax credits under this
14 section with regard to employment and wage levels or the
15 payment of the taxes with the appropriate agency or authority
16 including the Department of Revenue, the Department of Labor
17 and Employment Security, or any local government or authority.

18 (c) To facilitate the process of monitoring and
19 auditing applications made under this program, the office
20 ~~department~~ may provide a list of qualified applicants to the
21 Department of Revenue, the Department of Labor and Employment
22 Security, or to any local government or authority. The office
23 ~~department~~ may request the assistance of said entities with
24 respect to monitoring the payment of the taxes listed in
25 subsection (2).

26 (d) By December 1 of each year, the office ~~department~~
27 shall submit a complete and detailed report to the Governor,
28 the President of the Senate, and the Speaker of the House of
29 Representatives of all tax refunds paid under this section,
30 including analyses of benefits and costs, types of projects
31 supported, employment and investment created, geographic

1 distribution of tax refunds granted, and minority business
2 participation. The report must indicate whether the moneys
3 appropriated by the Legislature to the qualified applicant tax
4 refund program were expended in a prudent, fiducially sound
5 manner.

6 (7) EXPIRATION.--An applicant may not be certified as
7 qualified under this section after June 30, 1999.

8 Section 11. Paragraph (b) of subsection (4) of section
9 288.106, Florida Statutes, is amended to read:

10 288.106 Tax refund program for qualified target
11 industry businesses.--

12 (4) APPLICATION AND APPROVAL PROCESS.--

13 (b) To qualify for review by the office, the
14 application of a target industry business must, at a minimum,
15 establish the following to the satisfaction of the office:

16 1. The jobs proposed to be provided under the
17 application, pursuant to subparagraph (a)4., must pay an
18 estimated annual average wage equaling at least 115 percent of
19 the average private sector wage in the area where the business
20 is to be located or the statewide private sector average wage.
21 The office may waive this average wage requirement at the
22 request of the local governing body recommending the project
23 and Enterprise Florida, Inc. The wage requirement may only be
24 waived for a project located in a rural city or county or in
25 an enterprise zone and only when the merits of the individual
26 project or the specific circumstances in the community in
27 relationship to the project warrant such action. If the local
28 governing body and Enterprise Florida, Inc., make such a
29 recommendation, it must be transmitted in writing and the
30 specific justification for the waiver recommendation must be
31 explained. If the director elects to waive the wage

1 requirement, the waiver must be stated in writing and the
2 reasons for granting the waiver must be explained.

3 2. The target industry business's project must result
4 in the creation of at least 10 jobs at such project and, if an
5 expansion of an existing business, must result in a net
6 increase in employment of not less than 10 percent at such
7 business. Notwithstanding the definition of the term
8 "expansion of an existing business" under paragraph (2)(g), at
9 the request of the local governing body recommending the
10 project and Enterprise Florida, Inc., the office may define an
11 "expansion of an existing business" in a rural city, a rural
12 county, or an enterprise zone as the expansion of a business
13 resulting in a net increase in employment of less than 10
14 percent at such business, if the merits of the individual
15 project or the specific circumstances in the community in
16 relationship to the project warrant such action. If the local
17 governing body and Enterprise Florida, Inc., make such a
18 request, it must be transmitted in writing and the specific
19 justification for the request must be explained. If the
20 director elects to accept such request, such election must be
21 stated in writing and the reason for granting the request must
22 be explained.

23 3. The business activity or product for the
24 applicant's project is within an industry or industries that
25 have been identified by the office to be high-value-added
26 industries that contribute to the area and to the economic
27 growth of the state and that produce a higher standard of
28 living for citizens of this state in the new global economy or
29 that can be shown to make an equivalent contribution to the
30 area and state's economic progress.

31

1 Section 12. Subsection (1) of section 288.1221,
2 Florida Statutes, is amended to read:

3 288.1221 Legislative intent.--

4 (1) It is the intent of the Legislature to establish a
5 public-private partnership to provide policy direction to and
6 technical expertise in the promotion and marketing of the
7 state's tourism attributes. The Legislature further intends to
8 authorize this partnership to recommend the tenets of an
9 industry standard 4-year ~~5-year~~ marketing plan for an annual
10 marketing plan for tourism promotion and recommend a
11 comparable organizational structure to carry out such a plan.
12 The Legislature intends to have such a plan funded by that
13 portion of the rental car surcharge annually dedicated to the
14 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and
15 by the tourism industry. The Legislature intends that the
16 exercise of this authority by the public-private partnership
17 shall take into consideration the recommendations made to the
18 1992 Legislature in the report submitted by the Florida
19 Tourism Commission created pursuant to chapter 91-31, Laws of
20 Florida.

21 Section 13. Subsection (2) of section 288.1222,
22 Florida Statutes, is amended to read:

23 288.1222 Definitions.--For the purposes of ss.
24 288.017, 288.121-288.1226, and 288.124, the term:

25 (2) "Tourist" means any person who participates in
26 trade or recreation activities outside the county ~~country~~ of
27 his or her permanent residence or who rents or leases
28 transient living quarters or accommodations as described in s.
29 125.0104(3)(a).

30 Section 14. Paragraphs (f) and (g) of subsection (2)
31 of section 288.1223, Florida Statutes, are amended to read:

1 288.1223 Florida Commission on Tourism; creation;
2 purpose; membership.--

3 (2)

4 (f) The commission shall ~~hold its first meeting no~~
5 ~~later than September 1992 and must~~ meet at least quarterly. A
6 majority of the members shall constitute a quorum for the
7 purpose of conducting business.

8 (g) The Governor shall serve as chair of the
9 commission. The commission shall annually ~~biennially~~ elect one
10 of its tourism-industry-related members as vice chair, who
11 shall preside in the absence of the chair.

12 Section 15. (1) The Legislature finds that tourism
13 associated with the natural, cultural, and historical assets
14 of this state constitutes one of the fastest growing segments
15 of the travel and tourism industry. Such ecotourism and
16 heritage tourism hold significant potential for contributing
17 to the economic well-being of this state and its citizens
18 through the generation of revenues and the creation of jobs.
19 The Legislature further finds that there are opportunities to
20 promote travel experiences that link this state's traditional
21 travel destinations with its ecotourism or heritage tourism
22 destinations and to promote travel experiences that link
23 ecotourism or heritage tourism destinations within a county or
24 among multiple counties. Overarching these findings is the
25 Legislature's recognition that the state's ecotourism and
26 heritage tourism assets must be preserved and maintained if
27 they are to be enjoyed by future generations. It is the intent
28 of the Legislature to encourage the promotion of sustainable
29 ecotourism and heritage tourism in this state.

30 (2) Subject to specific appropriation in the General
31 Appropriations Act, the Division of Recreation and Parks of

1 the Department of Environmental Protection is authorized to
2 establish an ecotourism promotion program designed to
3 encourage and facilitate visitation to state parks and to
4 other natural resources in the state, while also safeguarding
5 that such visitation does not jeopardize the environmental
6 value or the sustainability of the resources. Funds
7 appropriated for this program may be used to:

8 (a) Make infrastructure improvements within and to, or
9 otherwise rehabilitate, state parks or other natural resources
10 under the jurisdiction of the division;

11 (b) Develop and distribute marketing materials
12 describing ecotourism resources under the jurisdiction of the
13 division, including the proximity of the resources to
14 commercial tourism sites in a region or to other ecotourism
15 sites in a region in order to encourage travel experiences
16 that link these sites; or

17 (c) Award ecotourism promotion grants to assist
18 localities and regions in promoting ecotourism or the economic
19 development activities related to such tourism.

20 1. An eligible grant applicant is a governmental or
21 not-for-profit tourism or economic development organization in
22 this state. An application may be submitted jointly on behalf
23 of a combination of such organizations, in which case the
24 organizations together shall be deemed to be one applicant. An
25 organization may not participate in the submission of more
26 than one application.

27 2. Applications submitted to the division must include
28 a requested grant amount and a detailed plan governing the
29 proposed use of the grant award. The division shall review
30 each application and shall submit award recommendations to the
31 Secretary of Environmental Protection for final approval.

1 3. The division shall establish guidelines for
2 administering this program and shall establish criteria for
3 the competitive evaluation of grant applications. Evaluation
4 criteria must include, but need not be limited to, the extent
5 to which the plan submitted with the application links tourism
6 sites within the community or region or links tourism sites
7 within two or more communities or regions.

8 4. Eligible uses of grant awards include:

9 a. Marketing ecotourism sites;

10 b. Marketing areas as appropriate sites for the
11 location or expansion of businesses that are engaged in or
12 that facilitate ecotourism activities; or

13 c. Establishing local or regional ecotourism and
14 heritage tourism advisory and promotion organizations for
15 specific state parks.

16 5. Each grant awarded to an applicant under this
17 program shall not exceed \$30,000.

18 Section 16. Section 288.90151, Florida Statutes, is
19 amended to read:

20 288.90151 Funding for contracting with Enterprise
21 Florida, Inc.--

22 (1)(a) From funds appropriated from the General
23 Revenue Fund to the Office of Tourism, Trade, and Economic
24 Development for the purpose of annually contracting with
25 Enterprise Florida, Inc., 10 percent of such funds for the
26 fiscal year 1996-1997, 20 percent of such funds for the fiscal
27 year 1997-1998, 30 percent of such funds for the fiscal year
28 1998-1999, 40 percent of such funds for the fiscal year
29 1999-2000, and 50 percent of such funds for the fiscal year
30 2000-2001 shall be placed in reserve by the Executive Office
31 of the Governor. The funds may be released through a budget

1 amendment, in accordance with chapter 216, as requested by
2 Enterprise Florida, Inc., through the Office of Tourism,
3 Trade, and Economic Development if Enterprise Florida, Inc.,
4 has provided sufficient documentation that the same amount of
5 matching private funds as the amount placed in reserve has
6 been contributed during the same fiscal year to Enterprise
7 Florida, Inc., in support of its economic development efforts.
8 If sufficient documentation is not provided by the end of the
9 fiscal year, such funds shall revert back to the General
10 Revenue Fund.

11 (b) In fiscal years 1999-2000 and 2000-2001, 50
12 percent of the funds placed in reserve may be released by the
13 same budget amendment process if Enterprise Florida, Inc., has
14 provided sufficient documentation that the amount of matching
15 private funds contributed during the same fiscal year to
16 Enterprise Florida, Inc., is equal to 75 percent of the funds
17 placed in reserve. The remaining funds in reserve may be
18 released by the same budget amendment process if Enterprise
19 Florida, Inc., meets the requirements of paragraph (a).

20
21 In each fiscal year, at least 55 percent of the matching
22 private funds required to be documented under this subsection
23 must be comprised of the first category of matching private
24 funds described in subsection (3).

25 (2) Prior to the 1999 Regular Session of the
26 Legislature, the Office of Program Policy Analysis and
27 Government Accountability shall conduct a review of the
28 contributions made to Enterprise Florida, Inc., during the
29 prior 3 years pursuant to this section. The review must be
30 conducted in such a manner as to determine the amount and type
31 of matching private funds contributed and the circumstances

1 affecting the ability to achieve or not achieve the specified
2 amount of matching private funds for each year. Based on this
3 information and historical data, the Office of Program Policy
4 Analysis and Governmental Accountability shall determine
5 whether the funding levels of matching private funds for
6 fiscal year 1999-2000, and fiscal year 2000-2001, as specified
7 in this section, are appropriate. This report shall be
8 submitted by January 1, 1999, to the President of the Senate,
9 the Speaker of the House of Representatives, the Senate
10 Minority Leader, and the House Minority Leader.

11 (3) For the purposes of this section, matching private
12 funds shall be divided into two categories. The first category
13 of matching private funds shall include any payment of cash
14 made ~~in response to a solicitation by~~ Enterprise Florida,
15 Inc., and used ~~exclusively~~ by Enterprise Florida, Inc., in its
16 operations or programs, excluding any payment of cash made by
17 any entity to qualify for any Enterprise Florida, Inc., state,
18 or local incentive, grant, or loan program, or any cash
19 received by Enterprise Florida, Inc., pursuant to a grant or
20 contract. The second category of matching private funds shall
21 include a conveyance of property, or payment or distribution
22 of property or anything of value, including contributions
23 in-kind having an attributable monetary value in any form, and
24 including any payment of cash not counted within the first
25 category of matching private funds. Contributions in-kind
26 include, but are not limited to, goods or services rendered.
27 The cost of the contribution shall be the reasonable cost to
28 the sponsor of the goods or services.

29 Section 17. Subsection (3) is added to section
30 288.9618, Florida Statutes, to read:

31 288.9618 Microenterprises.--

1 (3) Not more than 15 percent of the funds appropriated
2 each fiscal year for activities under this section may be used
3 for administrative expenses of the Office of Tourism, Trade,
4 and Economic Development or for administrative expenses of the
5 organization with which the office contracts under this
6 section.

7 Section 18. Section 288.9958, Florida Statutes, is
8 created to read:

9 288.9958 PRIDE Job Placement Incentive Program.--

10 (1) The Legislature recognizes that the location of
11 some correctional facilities has been determined by the desire
12 to provide employment opportunities for residents of
13 communities that have not experienced the economic growth of
14 other portions of the state. The Legislature further
15 recognizes that the corporation authorized by chapter 946 to
16 manage correctional work programs can provide expertise and
17 assistance in the areas of on-the-job training and employment
18 assistance. Partnerships between the state and the corporation
19 authorized by chapter 946 to manage correctional work programs
20 may result in increased employment opportunities for local
21 citizens. To assist the corporation authorized by chapter 946
22 in economic development initiatives that specifically enhance
23 the employment opportunities for WAGES participants, the PRIDE
24 Job Placement Incentive Program is created. The Legislature
25 hereby permits the corporation authorized by chapter 946 to
26 participate in the PRIDE Job Training Placement Incentive
27 Program.

28 (2) The PRIDE Job Placement Incentive Program is
29 created to encourage the use of the corporation's expertise
30 and resources, including correctional facilities, in job
31 training and employment assistance in the economic development

1 of the state. The program shall be administered by the
2 Workforce Development Board of Enterprise Florida, Inc. The
3 Workforce Development Board shall adopt guidelines for the
4 administration of this program. Awarding of grants is
5 dependent upon legislative appropriation.

6 (a) The Workforce Development Board may authorize a
7 grant of \$1,000 to the corporation authorized by chapter 946,
8 or a business working in association with such corporation,
9 for full-time employment of a WAGES participant in those
10 workforce development regions and two sites identified by the
11 Workforce Development Board pursuant to subsection (3). The
12 incentive payment shall be paid incrementally, with a payment
13 of \$250 upon initial employment, \$250 at an employment
14 duration of 6 months, and \$500 at an employment duration of 1
15 year. Such grants are provided to off-set the costs of
16 business location and training the local workforce.

17 (b) The Workforce Development Board may authorize a
18 grant of \$2,400 to the corporation authorized by chapter 946,
19 or a business working in association with such corporation for
20 full-time employment of a WAGES participant and when the
21 corporation provides on-the-job training to the WAGES
22 participant.

23 (c) Grants may not be issued for the employment of
24 individuals who have participated in a prison rehabilitative
25 industry program longer that 6 months in the 2 years prior to
26 employment.

27 (d) WAGES participants eligible for employment in the
28 PRIDE Job Placement Incentive Program must be referred by
29 local WAGES coalitions to the corporation authorized by
30 chapter 946.

31

1 (3) The Workforce Development Board shall identify
2 five workforce development regions in the state which have the
3 least employment opportunities per WAGES participant and, if
4 approved by the Workforce Development Board, two sites where
5 the corporation authorized by chapter 946 has facilities or
6 resources. The five workforce development regions and two
7 sites, if applicable, designated by the Workforce Development
8 Board as having the fewest employment opportunities per WAGES
9 participant are those in which the corporation authorized by
10 chapter 946 or businesses working in association with such
11 corporation may be eligible for job placement incentives.

12 (4) Businesses that have accepted a job placement
13 incentive pursuant to this section may also be eligible to
14 apply for any tax credits, wage supplementation, wage subsidy,
15 or employer payment for that employee which are authorized in
16 law or by agreement with the employer.

17 (5) If approved by the Department of Corrections,
18 WAGES participants may be employed by the corporation
19 authorized by chapter 946 in those facilities not operated
20 within the secured perimeters of the prison grounds that are
21 managed by such corporation, and in other areas, as approved
22 by the Department of Corrections. A safety plan for all WAGES
23 participants in this program must be completed by the
24 corporation in cooperation with the Department of Corrections.

25 (6) In carrying out the provisions of this section,
26 the corporation shall be entitled to all the privileges and
27 immunities as set forth in part II of chapter 946.

28 Section 19. As part of the sector strategy approach to
29 economic development planning identified in section
30 288.905(2)(j), Florida Statutes, Enterprise Florida, Inc.,
31 shall examine the current and potential economic development

1 contribution of the biotechnology industry and other health
2 technology industries to this state. In conducting this
3 examination, Enterprise Florida, Inc., shall work in
4 conjunction with representatives of the biotechnology industry
5 and other health technology industries in this state. Such
6 examination shall include, but is not limited to, an
7 identification of impediments to the maintenance and growth of
8 these industries in this state. One of the issues Enterprise
9 Florida, Inc., shall consider is whether there are impediments
10 to the transfer of technology stemming from the state's
11 policies governing the working relationships between
12 university scientists and private businesses. Enterprise
13 Florida, Inc., shall also consider issues related to tax
14 policies applicable to these industries, the capital and
15 financing needs of these industries, and the research and
16 development needs of these industries, as well as any other
17 issues that Enterprise Florida, Inc., and the private-sector
18 representatives deem significant. Enterprise Florida, Inc.,
19 shall report to the Legislature on its findings by October 1,
20 1998, including any recommendations for legislative or other
21 action to improve the business climate for these industries.

22 Section 20. Notwithstanding any provision of law to
23 the contrary, the governing body of a municipality or county
24 containing a United States Environmental Protection Agency
25 brownfield pilot project that was designated as of May 1,
26 1997, may apply to the Office of Tourism, Trade, and Economic
27 Development for designation of one enterprise zone
28 encompassing the brownfield pilot project if the project is
29 located in a county with a population less than one million.
30 The application must be submitted by December 31, 1999, and
31 must comply with the requirements of section 290.0055, Florida

1 Statutes, except section 290.0055(3), Florida Statutes.
2 Notwithstanding the provisions of section 290.0065, Florida
3 Statutes, limiting the total number of enterprise zones
4 designated and the number of enterprise zones within a
5 population category, the Office of Tourism, Trade, and
6 Economic Development shall designate one enterprise zone under
7 this section if the zone is consistent with the limitations
8 imposed under this section. The Office of Tourism, Trade, and
9 Economic Development shall establish the initial effective
10 date of the enterprise zone designated pursuant to this
11 section.

12 Section 21. Subsection (4) of section 370.28, Florida
13 Statutes, is amended, and subsection (5) is added to that
14 section to read:

15 370.28 Enterprise zone designation; communities
16 adversely impacted by net limitations.--

17 (4) Notwithstanding the enterprise zone residency
18 requirements set out in ss. 212.096(1)(c) and 220.03(1)(q),
19 businesses located in enterprise zones designated pursuant to
20 this section may receive the credit provided under s. 212.096
21 or s. 220.181 for hiring any person within the jurisdiction of
22 the county within which nominating community of such
23 enterprise zone is located. All other provisions of ss.
24 212.096, 220.03(1)(q), and 220.181 apply to such businesses.
25 Notwithstanding the requirement specified in ss.
26 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no
27 less than 20 percent of a business's employees, excluding
28 temporary and part-time employees, must be residents of an
29 enterprise zone for the business to qualify for the maximum
30 exemption or credit provided in ss. 212.08(5)(g) and (h) and
31 (15) and 220.182, a business that is located in an enterprise

1 zone designated pursuant to this section shall be qualified
2 for those maximum exemptions or credits if no less than 20
3 percent of such employees of the business are residents of the
4 jurisdiction of the county within which the enterprise zone is
5 located. All other provisions of ss. 212.08(5)(g) and (h) and
6 (15) and 220.182 apply to such business.

7 (5) Notwithstanding the time limitations contained in
8 chapters 212 and 220, a business eligible to receive tax
9 credits under this section from January 1, 1997, to June 1,
10 1998, must submit an application for the tax credits by
11 December 1, 1998. All other requirements of the enterprise
12 zone program apply to such a business.

13 Section 22. Section 414.25, Florida Statutes, is
14 amended to read:

15 414.25 Exemption from leased real property
16 requirements.--In order to facilitate implementation of this
17 chapter with respect to establishing jobs and benefits
18 offices, the Department of Labor and Employment Security and
19 the Department of Children and Family Services are exempt from
20 the requirements of s. 255.25 which relate to the procurement
21 of leased real property. This exemption expires June 30, 2000
22 ~~1998~~.

23 Section 23. Subsection (1) of section 479.261, Florida
24 Statutes, is amended to read:

25 479.261 Logo sign program.--

26 (1) The department shall establish a logo sign program
27 for the rights-of-way of the interstate highway system to
28 provide information to motorists about available gas, food,
29 lodging, ~~and~~ camping services, and regional or local heritage,
30 historic, or scenic trails at interchanges, through the use of
31 business logos, and may include additional interchanges under

1 the program. A logo sign for nearby attractions may be added
2 to this program if allowed by federal rules. An attraction as
3 used in this chapter is defined as an establishment, site,
4 facility, or landmark which is open a minimum of 5 days a week
5 for 52 weeks a year; which charges an admission for entry;
6 which has as its principal focus family-oriented
7 entertainment, cultural, educational, recreational,
8 scientific, or historical activities; and which is publicly
9 recognized as a bona fide tourist attraction. However, the
10 permits for businesses seeking to participate in the
11 attractions logo sign program shall be awarded by the
12 department annually to the highest bidders, notwithstanding
13 the limitation on fees in subsection (5), which are qualified
14 for available space at each qualified location, but the fees
15 therefor may not be less than the fees established for logo
16 participants in other logo categories.

17 Section 24. This act shall take effect July 1, 1998.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 760

4 The Committee Substitute for Committee Substitute for SB 760:

- 5 1. Removes requirements that the Florida Commission on
6 Tourism establish a standing statewide advisory committee
7 on ecotourism and heritage tourism and incorporate
8 ecotourism and heritage tourism components into its
9 comprehensive tourism marketing plan for the state.
- 10 2. Replaces authority for the tourism commission and the
11 Office of Tourism, trade, and Economic Development to
12 establish an ecotourism and heritage tourism promotion
13 grant program with authority for the Division of
14 Recreation and Parks of the Department of Environmental
15 Protection to establish an ecotourism program. Prescribes
16 uses of funds under the division's program, including
17 improving state parks, developing promotional materials
18 to encourage park visitation, and awarding ecotourism
19 promotion grants to local communities.
- 20 3. Expands the interstate highway logo-sign program to
21 include the provision of information to motorists about
22 local or regional heritage, historic, or scenic trails.
- 23 4. Revises the proposed PRIDE Job Placement Incentive
24 Program to provide additional authority for WAGES-related
25 employment in additional locations, to provide the
26 Department of Corrections with control over security
27 related to this project, and to provide a grant for
28 on-the-job training that is separate from the proposed
29 grant for job placement.
- 30 5. Provides that if at least 20 percent of the employees of
31 a business located in an enterprise zone designated in a
community affected by the net ban are residents of the
county in which the enterprise zone is located, the
business may be eligible for the maximum amount of: a)
the sales tax exemption for building materials used in
the rehabilitation of real property in an enterprise
zone, c) the sales tax exemption for electrical energy
used in an enterprise zone, and d) the corporate income
tax credit for property taxes paid on new or improved
property in an enterprise zone.
6. Provides that a new employee who resides within the
county in which a net-ban enterprise zone is located may
provide a basis for the job-creation tax credits against
sales tax and corporate income tax under the enterprise
zone program.
7. Specifies that if a licensed commercial fishing vessel, a
fishing guide boat, or a ecotourism guide boat leaves and
returns to a fixed location within an enterprise zone
designated in a community affected by the net ban, then
business property used exclusively in such vessel or boat
is eligible for the sales tax exemption, provided that
the vessel or boat is owned by a business eligible to

- 1 receive the exemption.
- 2 8. Provides that a business eligible to receive tax credits
3 under the statute governing net ban enterprise zones from
4 January 1, 1997, to June 1, 1998, may submit an
5 application for the tax credits by December 1, 1998,
6 notwithstanding that the time limitations imposed
7 elsewhere in the Florida Statutes on claiming such tax
8 credits may have passed.
- 9 9. Extends until the year 2000 a current exemption for the
10 Department of Labor and Employment Security and the
11 Department of Children and Family Services from the
12 Requirements of s. 255.25, F.S., relating to approval
13 required to lease certain real property, in order to
14 facilitate establishment of jobs and benefits offices
15 under the WAGES program.
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