

By the Committee on Fiscal Resource and Senator McKay

314-1846-00

1                                   A bill to be entitled  
2           An act relating to the Florida Statutes;  
3           repealing various statutory provisions that  
4           have become obsolete, have had their effect,  
5           have served their purpose, or have been  
6           impliedly repealed or superseded; repealing s.  
7           193.621(3), F.S., relating to assessment of  
8           certain manufacturing or industrial plants or  
9           facilities demolished and reconstructed for  
10          pollution control purposes; repealing s.  
11          197.448, F.S., relating to cancellation of tax  
12          certificates on riparian rights separate from  
13          land; repealing s. 199.052(11), F.S., relating  
14          to intangible tax return requirements for  
15          banking organizations with respect to  
16          intangible personal property resulting from  
17          international banking transactions; repealing  
18          s. 206.435, F.S., relating to remittance of  
19          unpaid tax by wholesalers, terminal suppliers,  
20          retail dealers, and former special fuel dealers  
21          having motor or taxable diesel fuel inventory;  
22          amending s. 206.97, F.S.; removing a  
23          cross-reference, to conform; repealing s.  
24          206.9935(3)(c), F.S., relating to scheduled  
25          legislative review of the tax for inland  
26          protection; amending s. 211.025, F.S.; deleting  
27          an obsolete gas tax rate; amending s. 211.026,  
28          F.S.; deleting an obsolete sulfur tax rate;  
29          repealing s. 212.0305(3)(g), F.S., relating to  
30          authority to employee persons and incur other  
31          expenses from funds appropriated therefor for

1 administration of the Convention Development  
2 Tax Act; amending s. 213.015, F.S.; conforming  
3 a cross-reference; amending s. 212.04, F.S.;  
4 deleting an exemption from admissions tax  
5 imposed but not collected prior to a specified  
6 date for any museum or historic building owned  
7 by a political subdivision of the state;  
8 repealing s. 212.0599, F.S., relating to rules  
9 which implement ch. 87-548, Laws of Florida;  
10 amending s. 212.08, F.S., and repealing  
11 paragraph (hh) of subsection (7), relating to a  
12 tax exemption on sales of electric vehicles;  
13 deleting an obsolete reporting requirement in a  
14 tax exemption provision relating to charges for  
15 certain electricity or steam uses; amending s.  
16 414.029, F.S.; conforming a cross-reference;  
17 amending s. 212.097, F.S.; deleting intent and  
18 application implementation provisions of the  
19 Urban High-Crime Area Job Tax Credit Program;  
20 amending s. 212.098, F.S.; deleting intent and  
21 application implementation provisions of the  
22 Rural Job Tax Credit Program; repealing s.  
23 212.20(7), F.S., relating to the use of funds  
24 allocated to the Solid Waste Management Trust  
25 Fund for the 1999-2000 fiscal year; repealing  
26 s. 212.215, F.S., the Fairness in Retail Sales  
27 Taxation Act; repealing s. 213.01, F.S.,  
28 relating to intent with respect to state  
29 revenue laws; repealing s. 213.065, F.S.,  
30 relating to intent with respect to rule  
31 adoption to implement ch. 89-171, Laws of

1 Florida; repealing s. 213.066, F.S., relating  
2 to rule adoption to implement ch. 92-319, Laws  
3 of Florida; amending s. 215.3208, F.S.;  
4 deleting obsolete scheduling provisions  
5 relating to review of trust funds scheduled for  
6 termination; repealing s. 215.821, F.S.,  
7 relating to effect of adoption of the State  
8 Bond Act on the issuance of bonds by state  
9 agencies; repealing s. 220.18, F.S., relating  
10 to the gasohol development tax incentive  
11 credit; repealing ss. 193.076, 193.085(5), and  
12 195.073(4), F.S., relating to notice of  
13 expansion, assessment of expansion-related or  
14 rebuilt property, and classification of  
15 property as prior existing or expanded or  
16 rebuilt, respectively, to conform; amending s.  
17 193.077, F.S.; conforming a cross-reference;  
18 amending s. 220.183, F.S.; deleting findings  
19 and policy and purpose provisions in provisions  
20 governing the community contribution tax  
21 credit; conforming cross-references; repealing  
22 s. 220.185(1) and (2), F.S., relating to  
23 findings and policy and purpose provisions in  
24 provisions governing the state housing tax  
25 credit; repealing s. 220.188, F.S., relating to  
26 the export finance corporation investment  
27 credit; amending s. 220.02, F.S., and repealing  
28 subsections (6) and (9), relating to intent  
29 with respect to the gasohol development tax  
30 incentive credit and the export finance  
31 corporation investment credit; removing

1 cross-references, to conform; amending ss.  
2 220.181, 220.182, 220.184, 220.1845, 220.1895,  
3 and 220.19, F.S.; conforming cross-references;  
4 amending s. 220.03, F.S., and repealing  
5 paragraphs (1)(dd)-(ff), relating to  
6 definitions applicable to provisions governing  
7 the export finance corporation investment  
8 credit; deleting definitions relating to the  
9 gasohol development tax incentive credit;  
10 conforming a cross-reference; amending s.  
11 288.106, F.S.; deleting findings and intent  
12 with respect to the tax refund program for  
13 qualified target industry businesses; amending  
14 ss. 159.803 and 288.107, F.S.; conforming  
15 cross-references; amending s. 624.5105, F.S.;  
16 deleting intent and policy and purpose  
17 provisions from provisions governing the  
18 community contribution tax credit; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Subsection (3) of section 193.621, Florida  
24 Statutes, is repealed.

25 Section 2. Section 197.448, Florida Statutes, is  
26 repealed.

27 Section 3. Subsection (11) of section 199.052, Florida  
28 Statutes, is repealed.

29 Section 4. Section 206.435, Florida Statutes, is  
30 repealed.

31

1           Section 5. Section 206.97, Florida Statutes, is  
2 amended to read:

3           206.97 Applicability of specified sections of part  
4 I.--The provisions of ss. 206.01, 206.02, 206.026, 206.027,  
5 206.028, 206.04, 206.051, 206.052, 206.054, 206.055, 206.07,  
6 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,  
7 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,  
8 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,  
9 206.23, 206.24, 206.25, 206.27, 206.28, 206.41, 206.416,  
10 206.43, ~~206.435~~, 206.44, 206.48, 206.49, 206.56, 206.59,  
11 206.606, 206.608, 206.61, and 206.62 of part I of this chapter  
12 shall, as far as lawful or practicable, be applicable to the  
13 tax herein levied and imposed and to the collection thereof as  
14 if fully set out in this part. However, no provision of any  
15 such section shall apply if it conflicts with any provision of  
16 this part.

17           Section 6. Paragraph (c) of subsection (3) of section  
18 206.9935, Florida Statutes, is repealed.

19           Section 7. Subsection (1) of section 211.025, Florida  
20 Statutes, is amended to read:

21           211.025 Gas production tax; basis and rate of tax.--An  
22 excise tax is hereby levied upon every person who severs gas  
23 in the state for sale, transport, profit, or commercial use.  
24 Except as otherwise provided in this part, the tax shall be  
25 levied on the basis of the entire production of gas in this  
26 state, including any royalty interest. Such tax shall accrue  
27 at the time the gas is severed and shall be a lien on  
28 production regardless of the place of sale, to whom sold, or  
29 by whom used and regardless of the fact that delivery of the  
30 gas may be made outside the state.

31

1           (1) The amount of tax shall be determined by the  
2 volume, in mcf, of gas produced and sold or used by a producer  
3 during the month, measured at the point where the gas is  
4 identifiable as to kind and quality and is capable of being  
5 transported for further use or processing, subject to the gas  
6 tax rate established in this section.~~following rates:~~

7           ~~(a) For the period July 1, 1986, through June 30,~~  
8 ~~1987, the gas tax rate shall be \$0.162 per mcf; and,~~

9           ~~(b) For each the fiscal year beginning July 1, 1987,~~  
10 ~~and subsequent fiscal years,~~ the gas tax rate shall be the gas  
11 base rate times the gas base rate adjustment for the fiscal  
12 year, as calculated by the department under subsection (3).

13           Section 8. Subsection (1) of section 211.026, Florida  
14 Statutes, is amended to read:

15           211.026 Sulfur production tax; basis and rate of  
16 tax.--An excise tax is hereby levied upon every person who  
17 severs sulfur in this state for sale, transport, storage,  
18 profit, or commercial use. Except as otherwise provided in  
19 this part, such tax shall be levied on the basis of the entire  
20 production of sulfur in this state, including any royalty  
21 interest. Such tax shall accrue at the time of severance of  
22 the gas from which the sulfur is produced and shall be a lien  
23 on production regardless of the place of sale, to whom sold,  
24 or by whom used and regardless of the fact that delivery may  
25 be made outside the state.

26           (1) The amount of tax shall be determined by the long  
27 tons of sulfur produced or recovered by a producer during the  
28 month from the hydrogen sulfide gas contained in oil or gas  
29 production from a well, measured at the point where the sulfur  
30 is in its molten, elemental state, and is capable of being  
31

1 sold, delivered, transported, or stored, subject to the sulfur  
2 tax rate established in this section.~~following rates:~~

3 ~~(a) For the period July 1, 1986, through June 30,~~  
4 ~~1987, the sulfur tax rate shall be \$2.81 per long ton; and~~

5 ~~(b) For each the fiscal year beginning July 1, 1987,~~  
6 ~~and subsequent fiscal years, the sulfur tax rate shall be the~~  
7 ~~sulfur base rate times the sulfur base rate adjustment for the~~  
8 ~~fiscal year, as calculated by the department under subsection~~  
9 ~~(3).~~

10 Section 9. Paragraph (g) of subsection (3) of section  
11 212.0305, Florida Statutes, is repealed.

12 Section 10. Subsection (6) of section 213.015, Florida  
13 Statutes, is amended to read:

14 213.015 Taxpayer rights.--There is created a Florida  
15 Taxpayer's Bill of Rights to guarantee that the rights,  
16 privacy, and property of Florida taxpayers are adequately  
17 safeguarded and protected during tax assessment, collection,  
18 and enforcement processes administered under the revenue laws  
19 of this state. The Taxpayer's Bill of Rights compiles, in one  
20 document, brief but comprehensive statements which explain, in  
21 simple, nontechnical terms, the rights and obligations of the  
22 Department of Revenue and taxpayers. The rights afforded  
23 taxpayers to assure that their privacy and property are  
24 safeguarded and protected during tax assessment and collection  
25 are available only insofar as they are implemented in other  
26 parts of the Florida Statutes or rules of the Department of  
27 Revenue. The rights so guaranteed Florida taxpayers in the  
28 Florida Statutes and the departmental rules are:

29 (6) The right to be informed of impending collection  
30 actions which require sale or seizure of property or freezing  
31 of assets, except jeopardy assessments, and the right to at

1 least 30 days' notice in which to pay the liability or seek  
2 further review (see ss. 198.20, 199.262, 201.16, 206.075,  
3 206.24, 211.125(5), 212.03(5), 212.0305(3)(j)~~(k)~~, 212.04(7),  
4 212.14(1), 213.73(3), 213.731, and 220.739).

5 Section 11. Paragraph (a) of subsection (2) of section  
6 212.04, Florida Statutes, is amended to read:

7 212.04 Admissions tax; rate, procedure, enforcement.--

8 (2)(a)1. No tax shall be levied on admissions to  
9 athletic or other events sponsored by elementary schools,  
10 junior high schools, middle schools, high schools, community  
11 colleges, public or private colleges and universities, deaf  
12 and blind schools, facilities of the youth services programs  
13 of the Department of Children and Family Services, and state  
14 correctional institutions when only student, faculty, or  
15 inmate talent is used. However, this exemption shall not apply  
16 to admission to athletic events sponsored by an institution  
17 within the State University System, and the proceeds of the  
18 tax collected on such admissions shall be retained and used by  
19 each institution to support women's athletics as provided in  
20 s. 240.533(3)(c).

21 ~~2.a.~~ No tax shall be levied on dues, membership fees,  
22 and admission charges imposed by not-for-profit sponsoring  
23 organizations. To receive this exemption, the sponsoring  
24 organization must qualify as a not-for-profit entity under the  
25 provisions of s. 501(c)(3) of the Internal Revenue Code of  
26 1954, as amended.

27 ~~b.~~ ~~No tax imposed by this section and not actually~~  
28 ~~collected before August 1, 1992, shall be due from any museum~~  
29 ~~or historic building owned by any political subdivision of the~~  
30 ~~state.~~

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1           3. No tax shall be levied on an admission paid by a  
2 student, or on the student's behalf, to any required place of  
3 sport or recreation if the student's participation in the  
4 sport or recreational activity is required as a part of a  
5 program or activity sponsored by, and under the jurisdiction  
6 of, the student's educational institution, provided his or her  
7 attendance is as a participant and not as a spectator.

8           4. No tax shall be levied on admissions to the  
9 National Football League championship game, on admissions to  
10 any semifinal game or championship game of a national  
11 collegiate tournament, or on admissions to a Major League  
12 Baseball all-star game.

13           5. A participation fee or sponsorship fee imposed by a  
14 governmental entity as described in s. 212.08(6) for an  
15 athletic or recreational program is exempt when the  
16 governmental entity by itself, or in conjunction with an  
17 organization exempt under s. 501(c)(3) of the Internal Revenue  
18 Code of 1954, as amended, sponsors, administers, plans,  
19 supervises, directs, and controls the athletic or recreational  
20 program.

21           6. Also exempt from the tax imposed by this section to  
22 the extent provided in this subparagraph are admissions to  
23 live theater, live opera, or live ballet productions in this  
24 state which are sponsored by an organization that has received  
25 a determination from the Internal Revenue Service that the  
26 organization is exempt from federal income tax under s.  
27 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
28 the organization actively participates in planning and  
29 conducting the event, is responsible for the safety and  
30 success of the event, is organized for the purpose of  
31 sponsoring live theater, live opera, or live ballet

1 productions in this state, has more than 10,000 subscribing  
2 members and has among the stated purposes in its charter the  
3 promotion of arts education in the communities which it  
4 serves, and will receive at least 20 percent of the net  
5 profits, if any, of the events which the organization sponsors  
6 and will bear the risk of at least 20 percent of the losses,  
7 if any, from the events which it sponsors if the organization  
8 employs other persons as agents to provide services in  
9 connection with a sponsored event. Prior to March 1 of each  
10 year, such organization may apply to the department for a  
11 certificate of exemption for admissions to such events  
12 sponsored in this state by the organization during the  
13 immediately following state fiscal year. The application shall  
14 state the total dollar amount of admissions receipts collected  
15 by the organization or its agents from such events in this  
16 state sponsored by the organization or its agents in the year  
17 immediately preceding the year in which the organization  
18 applies for the exemption. Such organization shall receive the  
19 exemption only to the extent of \$1.5 million multiplied by the  
20 ratio that such receipts bear to the total of such receipts of  
21 all organizations applying for the exemption in such year;  
22 however, in no event shall such exemption granted to any  
23 organization exceed 6 percent of such admissions receipts  
24 collected by the organization or its agents in the year  
25 immediately preceding the year in which the organization  
26 applies for the exemption. Each organization receiving the  
27 exemption shall report each month to the department the total  
28 admissions receipts collected from such events sponsored by  
29 the organization during the preceding month and shall remit to  
30 the department an amount equal to 6 percent of such receipts  
31 reduced by any amount remaining under the exemption. Tickets

1 for such events sold by such organizations shall not reflect  
2 the tax otherwise imposed under this section.

3 7. Also exempt from the tax imposed by this section  
4 are entry fees for participation in freshwater fishing  
5 tournaments.

6 8. Also exempt from the tax imposed by this section  
7 are participation or entry fees charged to participants in a  
8 game, race, or other sport or recreational event if spectators  
9 are charged a taxable admission to such event.

10 9. No tax shall be levied on admissions to any  
11 postseason collegiate football game sanctioned by the National  
12 Collegiate Athletic Association.

13 Section 12. Section 212.0599, Florida Statutes, is  
14 repealed.

15 Section 13. Paragraph (hh) of subsection (7) of  
16 section 212.08, Florida Statutes, is repealed, present  
17 paragraph (ii) of that subsection is redesignated as paragraph  
18 (hh) and amended, and present paragraphs (jj) through (fff) of  
19 that subsection are redesignated as paragraphs (ii) through  
20 (eee), respectively, to read:

21 212.08 Sales, rental, use, consumption, distribution,  
22 and storage tax; specified exemptions.--The sale at retail,  
23 the rental, the use, the consumption, the distribution, and  
24 the storage to be used or consumed in this state of the  
25 following are hereby specifically exempt from the tax imposed  
26 by this chapter.

27 (7) MISCELLANEOUS EXEMPTIONS.--

28 (hh)~~(ii)~~ Certain electricity or steam uses.--

29 1. Subject to the provisions of subparagraph 4.,  
30 charges for electricity or steam used to operate machinery and  
31 equipment at a fixed location in this state when such

1 machinery and equipment is used to manufacture, process,  
2 compound, produce, or prepare for shipment items of tangible  
3 personal property for sale, or to operate pollution control  
4 equipment, recycling equipment, maintenance equipment, or  
5 monitoring or control equipment used in such operations are  
6 exempt to the extent provided in this paragraph. If 75 percent  
7 or more of the electricity or steam used at the fixed location  
8 is used to operate qualifying machinery or equipment, 100  
9 percent of the charges for electricity or steam used at the  
10 fixed location are exempt. If less than 75 percent but 50  
11 percent or more of the electricity or steam used at the fixed  
12 location is used to operate qualifying machinery or equipment,  
13 50 percent of the charges for electricity or steam used at the  
14 fixed location are exempt. If less than 50 percent of the  
15 electricity or steam used at the fixed location is used to  
16 operate qualifying machinery or equipment, none of the charges  
17 for electricity or steam used at the fixed location are  
18 exempt.

19           2. This exemption applies only to industries  
20 classified under SIC Industry Major Group Numbers 10, 12, 13,  
21 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,  
22 35, 36, 37, 38, and 39 and Industry Group Number 212. As used  
23 in this paragraph, "SIC" means those classifications contained  
24 in the Standard Industrial Classification Manual, 1987, as  
25 published by the Office of Management and Budget, Executive  
26 Office of the President.

27           3. Possession by a seller of a written certification  
28 by the purchaser, certifying the purchaser's entitlement to an  
29 exemption permitted by this subsection, relieves the seller  
30 from the responsibility of collecting the tax on the  
31 nontaxable amounts, and the department shall look solely to

1 the purchaser for recovery of such tax if it determines that  
2 the purchaser was not entitled to the exemption.

3 4. Such exemption shall be applied as follows:

4 a. Beginning July 1, 1996, 20 percent of the charges  
5 for such electricity shall be exempt.

6 b. Beginning July 1, 1997, 40 percent of the charges  
7 for such electricity shall be exempt.

8 c. Beginning July 1, 1998, 60 percent of the charges  
9 for such electricity or steam shall be exempt.

10 d. Beginning July 1, 1999, 80 percent of the charges  
11 for such electricity or steam shall be exempt.

12 e. Beginning July 1, 2000, 100 percent of the charges  
13 for such electricity or steam shall be exempt.

14 5. Notwithstanding any other provision in this  
15 paragraph to the contrary, in order to receive the exemption  
16 provided in this paragraph a taxpayer must first register with  
17 the WAGES Program Business Registry established by the local  
18 WAGES coalition for the area in which the taxpayer is located.  
19 Such registration establishes a commitment on the part of the  
20 taxpayer to hire WAGES program participants to the maximum  
21 extent possible consistent with the nature of their business.

22 6.a. In order to determine whether the exemption  
23 provided in this paragraph from the tax on charges for  
24 electricity or steam has an effect on retaining or attracting  
25 companies to this state, the Office of Program Policy Analysis  
26 and Government Accountability shall ~~periodically~~ monitor and  
27 report on the industries receiving the exemption.

28 ~~b. The first report shall be submitted no later than~~  
29 ~~January 1, 1997, and must be conducted in such a manner as to~~  
30 ~~specifically determine the number of companies within each SIC~~  
31 ~~Industry Major Group receiving the exemption as of September~~

1 ~~1, 1996, and the number of individuals employed by companies~~  
2 ~~within each SIC Industry Major Group receiving the exemption~~  
3 ~~as of September 1, 1996.~~

4 b.c. The ~~second~~ report shall be submitted no later  
5 than January 1, 2001, and must be comprehensive in scope, but,  
6 at a minimum, must be conducted in such a manner as to  
7 specifically determine the number of companies within each SIC  
8 Industry Major Group receiving the exemption as of September  
9 1, 2000, the number of individuals employed by companies  
10 within each SIC Industry Major Group receiving the exemption  
11 as of September 1, 2000, whether the change, if any, in such  
12 number of companies or employees is attributable to the  
13 exemption provided in this paragraph, whether it would be  
14 sound public policy to continue or discontinue the exemption,  
15 and the consequences of doing so.

16 c.d. The report ~~Both reports~~ shall be submitted to the  
17 President of the Senate, the Speaker of the House of  
18 Representatives, the Senate Minority Leader, and the House  
19 Minority Leader.

20 Section 14. Section 414.029, Florida Statutes, is  
21 amended to read:

22 414.029 WAGES Program Business Registry.--Each local  
23 WAGES coalition created pursuant to s. 414.028 must establish  
24 a business registry for business firms committed to assist in  
25 the effort of finding jobs for WAGES Program participants.  
26 Registered businesses agree to work with the coalition and to  
27 hire WAGES Program participants to the maximum extent possible  
28 consistent with the nature of their business. Each quarter,  
29 the coalition must publish a list of businesses registered as  
30 a prerequisite for receiving a tax exemption provided under s.  
31

1 212.08(5)(b) or (7)(hh)~~(ii)~~ and the number of jobs each has  
2 provided for program participants.

3 Section 15. Section 212.097, Florida Statutes, is  
4 amended to read:

5 212.097 Urban High-Crime Area Job Tax Credit  
6 Program.--

7 ~~(1) It is the intent of the Legislature to encourage  
8 the provision of meaningful employment opportunities that will  
9 improve the quality of life of those employed, and to  
10 encourage economic expansion of new and existing businesses in  
11 urban high-crime areas of this state. Upon an affirmative  
12 showing by a business to the satisfaction of the Department of  
13 Revenue that the requirements of this section have been met,  
14 the business shall be allowed a credit against the tax  
15 remitted under this chapter.~~

16 (1)~~(2)~~ As used in this section, the term:

17 (a) "Eligible business" means any sole proprietorship,  
18 firm, partnership, or corporation that is located in a  
19 qualified county and is predominantly engaged in, or is  
20 headquarters for a business predominantly engaged in,  
21 activities usually provided for consideration by firms  
22 classified within the following standard industrial  
23 classifications: SIC 01 through SIC 09 (agriculture,  
24 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
25 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public  
26 warehousing and storage); SIC 70 (hotels and other lodging  
27 places); SIC 7391 (research and development); SIC 7992 (public  
28 golf courses); and SIC 7996 (amusement parks). A call center  
29 or similar customer service operation that services a  
30 multistate market or international market is also an eligible  
31 business. In addition, the Office of Tourism, Trade, and

1 Economic Development may, as part of its final budget request  
2 submitted pursuant to s. 216.023, recommend additions to or  
3 deletions from the list of standard industrial classifications  
4 used to determine an eligible business, and the Legislature  
5 may implement such recommendations. Excluded from eligible  
6 receipts are receipts from retail sales, except such receipts  
7 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other  
8 lodging places classified in SIC 70, public golf courses in  
9 SIC 7992, and amusement parks in SIC 7996. For purposes of  
10 this paragraph, the term "predominantly" means that more than  
11 50 percent of the business's gross receipts from all sources  
12 is generated by those activities usually provided for  
13 consideration by firms in the specified standard industrial  
14 classification. The determination of whether the business is  
15 located in a qualified high-crime area and the tier ranking of  
16 that area must be based on the date of application for the  
17 credit under this section. Commonly owned and controlled  
18 entities are to be considered a single business entity.

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

30 (c) "New business" means any eligible business first  
31 beginning operation on a site in a qualified high-crime area



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

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

9 (e) "Qualified high-crime area" means an area selected  
10 by the Office of Tourism, Trade, and Economic Development in  
11 the following manner: every third year, the office shall rank  
12 and tier those areas nominated under subsection (7)~~(8)~~,  
13 according to the following prioritized criteria:

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

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

20 3. Highest percentage of reported index crimes that  
21 are violent in nature;

22 4. Highest overall index crime volume for the area;  
23 and

24 5. Highest overall index crime rate for the geographic  
25 area.

26  
27 Tier-one areas are ranked 1 through 5 and represent the  
28 highest crime areas according to this ranking. Tier-two areas  
29 are ranked 6 through 10 according to this ranking. Tier-three  
30 areas are ranked 11 through 15. Notwithstanding this  
31 definition, "qualified high-crime area" also means an area

1 that has been designated as a federal Empowerment Zone  
2 pursuant to the Taxpayer Relief Act of 1997. Such a designated  
3 area is ranked in tier three until the areas are reevaluated  
4 by the Office of Tourism, Trade, and Economic Development.

5 (2)~~(3)~~ A new eligible business may apply for a tax  
6 credit under this subsection once at any time during its first  
7 year of operation. A new eligible business in a tier-one  
8 qualified high-crime area which has at least 10 qualified  
9 employees on the date of application shall receive a \$1,500  
10 tax credit for each such employee. A new eligible business in  
11 a tier-two qualified high-crime area which has at least 20  
12 qualified employees on the date of application shall receive a  
13 \$1,000 tax credit for each such employee. A new eligible  
14 business in a tier-three qualified high-crime area which has  
15 at least 30 qualified employees on the date of application  
16 shall receive a \$500 tax credit for each such employee.

17 (3)~~(4)~~ An existing eligible business may apply for a  
18 tax credit under this subsection at any time it is entitled to  
19 such credit, except as restricted by this subsection. An  
20 existing eligible business in a tier-one qualified high-crime  
21 area which on the date of application has at least 5 more  
22 qualified employees than it had 1 year prior to its date of  
23 application shall receive a \$1,500 tax credit for each such  
24 additional employee. An existing eligible business in a  
25 tier-two qualified high-crime area which on the date of  
26 application has at least 10 more qualified employees than it  
27 had 1 year prior to its date of application shall receive a  
28 \$1,000 credit for each such additional employee. An existing  
29 business in a tier-three qualified high-crime area which on  
30 the date of application has at least 15 more qualified  
31 employees than it had 1 year prior to its date of application

1 shall receive a \$500 tax credit for each such additional  
2 employee. An existing eligible business may apply for the  
3 credit under this subsection no more than once in any 12-month  
4 period. Any existing eligible business that received a credit  
5 under subsection (2)~~(3)~~ may not apply for the credit under  
6 this subsection sooner than 12 months after the application  
7 date for the credit under subsection (2)~~(3)~~.

8 (4)~~(5)~~ For any new eligible business receiving a  
9 credit pursuant to subsection (2)~~(3)~~, an additional \$500  
10 credit shall be provided for any qualified employee who is a  
11 WAGES Program participant pursuant to chapter 414. For any  
12 existing eligible business receiving a credit pursuant to  
13 subsection (3)~~(4)~~, an additional \$500 credit shall be  
14 provided for any qualified employee who is a WAGES Program  
15 participant pursuant to chapter 414. Such employee must be  
16 employed on the application date and have been employed less  
17 than 1 year. This credit shall be in addition to other credits  
18 pursuant to this section regardless of the tier-level of the  
19 high-crime area. Appropriate documentation concerning the  
20 eligibility of an employee for this credit must be submitted  
21 as determined by the department.

22 (5)~~(6)~~ To be eligible for a tax credit under  
23 subsection (3)~~(4)~~, the number of qualified employees employed  
24 1 year prior to the application date must be no lower than the  
25 number of qualified employees on the application date on which  
26 a credit under this section was based for any previous  
27 application, including an application under subsection (2)  
28 ~~(3)~~.

29 (6)~~(7)~~ Any county or municipality, or a county and one  
30 or more municipalities together, may apply to the Office of  
31 Tourism, Trade, and Economic Development for the designation

1 of an area as a high-crime area after the adoption by the  
2 governing body or bodies of a resolution that:

3 (a) Finds that a high-crime area exists in such county  
4 or municipality, or in both the county and one or more  
5 municipalities, which chronically exhibits extreme and  
6 unacceptable levels of poverty, unemployment, physical  
7 deterioration, and economic disinvestment;

8 (b) Determines that the rehabilitation, conservation,  
9 or redevelopment, or a combination thereof, of such a  
10 high-crime area is necessary in the interest of the health,  
11 safety, and welfare of the residents of such county or  
12 municipality, or such county and one or more municipalities;  
13 and

14 (c) Determines that the revitalization of such a  
15 high-crime area can occur if the public sector or private  
16 sector can be induced to invest its own resources in  
17 productive enterprises that build or rebuild the economic  
18 viability of the area.

19 (7)~~(8)~~ The governing body of the entity nominating the  
20 area shall provide to the Office of Tourism, Trade, and  
21 Economic Development the following:

22 (a) The overall index crime rate for the geographic  
23 area;

24 (b) The overall index crime volume for the area;

25 (c) The percentage of reported index crimes that are  
26 violent in nature;

27 (d) The reported crime volume and rate of specific  
28 property crimes such as business and residential burglary,  
29 motor vehicle theft, and vandalism; and

30 (e) The arrest rates within the geographic area for  
31 violent crime and for such other crimes as drug sale, drug

1 possession, prostitution, disorderly conduct, vandalism, and  
2 other public-order offenses.

3 (8)~~(9)~~ A municipality, or a county and one or more  
4 municipalities together, may not nominate more than one  
5 high-crime area. However, any county as defined by s.  
6 125.011(1) may nominate no more than three high-crime areas.

7 (9)~~(10)~~ An area nominated by a county or municipality,  
8 or a county and one or more municipalities together, for  
9 designation as a high-crime area shall be eligible only if it  
10 meets the following criteria:

11 (a) The selected area does not exceed 20 square miles  
12 and either has a continuous boundary or consists of not more  
13 than three noncontiguous parcels;

14 (b) The selected area does not exceed the following  
15 mileage limitation:

16 1. For communities having a total population of  
17 150,000 persons or more, the selected area does not exceed 20  
18 square miles.

19 2. For communities having a total population of 50,000  
20 persons or more, but fewer than 150,000 persons, the selected  
21 area does not exceed 10 square miles.

22 3. For communities having a total population of 20,000  
23 persons or more, but fewer than 50,000 persons, the selected  
24 area does not exceed 5 square miles.

25 4. For communities having a total population of fewer  
26 than 20,000 persons, the selected area does not exceed 3  
27 square miles.

28 (10)~~(11)~~(a) In order to claim this credit, an eligible  
29 business must file under oath with the Office of Tourism,  
30 Trade, and Economic Development a statement that includes the  
31

1 name and address of the eligible business and any other  
2 information that is required to process the application.

3 (b) Within 30 working days after receipt of an  
4 application for credit, the Office of Tourism, Trade, and  
5 Economic Development shall review the application to determine  
6 whether it contains all the information required by this  
7 subsection and meets the criteria set out in this section.  
8 Subject to the provisions of paragraph (c), the Office of  
9 Tourism, Trade, and Economic Development shall approve all  
10 applications that contain the information required by this  
11 subsection and meet the criteria set out in this section as  
12 eligible to receive a credit.

13 (c) The maximum credit amount that may be approved  
14 during any calendar year is \$5 million, of which \$1 million  
15 shall be exclusively reserved for tier-one areas. The  
16 Department of Revenue, in conjunction with the Office of  
17 Tourism, Trade, and Economic Development, shall notify the  
18 governing bodies in areas designated as urban high-crime areas  
19 when the \$5 million maximum amount has been reached.  
20 Applications must be considered for approval in the order in  
21 which they are received without regard to whether the credit  
22 is for a new or existing business. This limitation applies to  
23 the value of the credit as contained in approved applications.  
24 Approved credits may be taken in the time and manner allowed  
25 pursuant to this section.

26 (11)~~(12)~~ If the application is insufficient to support  
27 the credit authorized in this section, the Office of Tourism,  
28 Trade, and Economic Development shall deny the credit and  
29 notify the business of that fact. The business may reapply  
30 for this credit within 3 months after such notification.

31

1           (12)~~(13)~~ If the credit under this section is greater  
2 than can be taken on a single tax return, excess amounts may  
3 be taken as credits on any tax return submitted within 12  
4 months after the approval of the application by the  
5 department.

6           (13)~~(14)~~ It is the responsibility of each business to  
7 affirmatively demonstrate to the satisfaction of the  
8 Department of Revenue that it meets the requirements of this  
9 section.

10           (14)~~(15)~~ Any person who fraudulently claims this  
11 credit is liable for repayment of the credit plus a mandatory  
12 penalty of 100 percent of the credit and is guilty of a  
13 misdemeanor of the second degree, punishable as provided in s.  
14 775.082 or s. 775.083.

15           (15)~~(16)~~ A corporation may take the credit under this  
16 section against its corporate income tax liability, as  
17 provided in s. 220.1895. However, a corporation that applies  
18 its job tax credit against the tax imposed by chapter 220 may  
19 not receive the credit provided for in this section. A credit  
20 may be taken against only one tax.

21           (16)~~(17)~~ The department shall adopt rules governing  
22 the manner and form of applications for credit and may  
23 establish guidelines concerning the requisites for an  
24 affirmative showing of qualification for the credit under this  
25 section.

26           ~~(18) Applications for credit under this section may be~~  
27 ~~submitted on or after January 1, 1999.~~

28           Section 16. Section 212.098, Florida Statutes, is  
29 amended to read:

30           212.098 Rural Job Tax Credit Program.--

31

1           ~~(1) It is the intent of the Legislature to encourage~~  
2 ~~the provision of meaningful employment opportunities that will~~  
3 ~~improve the quality of life of those employed and to encourage~~  
4 ~~economic expansion of new and existing businesses in rural~~  
5 ~~areas of this state. Upon an affirmative showing by a business~~  
6 ~~to the satisfaction of the Department of Revenue that the~~  
7 ~~requirements of this section have been met, the business shall~~  
8 ~~be allowed a credit against the tax remitted under this~~  
9 ~~chapter.~~

10           (1)~~(2)~~ As used in this section, the term:

11           (a) "Eligible business" means any sole proprietorship,  
12 firm, partnership, or corporation that is located in a  
13 qualified county and is predominantly engaged in, or is  
14 headquarters for a business predominantly engaged in,  
15 activities usually provided for consideration by firms  
16 classified within the following standard industrial  
17 classifications: SIC 01 through SIC 09 (agriculture,  
18 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
19 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
20 other lodging places); SIC 7391 (research and development);  
21 SIC 7992 (public golf courses); and SIC 7996 (amusement  
22 parks). A call center or similar customer service operation  
23 that services a multistate market or an international market  
24 is also an eligible business. In addition, the Office of  
25 Tourism, Trade, and Economic Development may, as part of its  
26 final budget request submitted pursuant to s. 216.023,  
27 recommend additions to or deletions from the list of standard  
28 industrial classifications used to determine an eligible  
29 business, and the Legislature may implement such  
30 recommendations. Excluded from eligible receipts are receipts  
31 from retail sales, except such receipts for hotels and other



1 lodging places classified in SIC 70, public golf courses in  
2 SIC 7992, and amusement parks in SIC 7996. For purposes of  
3 this paragraph, the term "predominantly" means that more than  
4 50 percent of the business's gross receipts from all sources  
5 is generated by those activities usually provided for  
6 consideration by firms in the specified standard industrial  
7 classification. The determination of whether the business is  
8 located in a qualified county and the tier ranking of that  
9 county must be based on the date of application for the credit  
10 under this section. Commonly owned and controlled entities are  
11 to be considered a single business entity.

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

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

26 1. Highest unemployment rate for the most recent  
27 36-month period.

28 2. Lowest per capita income for the most recent  
29 36-month period.

30  
31

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

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

6  
7 Tier-one qualified counties are those ranked 1 through 5 and  
8 represent the state's least-developed counties according to  
9 this ranking. Tier-two qualified counties are those ranked 6  
10 through 10, and tier-three counties are those ranked 11  
11 through 17. Notwithstanding this definition, "qualified  
12 county" also means a county that contains an area that has  
13 been designated as a federal Enterprise Community pursuant to  
14 the 1999 Agricultural Appropriations Act. Such a designated  
15 area shall be ranked in tier three until the areas are  
16 reevaluated by the Office of Tourism, Trade, and Economic  
17 Development.

18           (d) "New business" means any eligible business first  
19 beginning operation on a site in a qualified county and  
20 clearly separate from any other commercial or business  
21 operation of the business entity within a qualified county. A  
22 business entity that operated an eligible business within a  
23 qualified county within the 48 months before the period  
24 provided for application by subsection~~(2)(3)~~is not  
25 considered a new business.

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

28           (2)(3) A new eligible business may apply for a tax  
29 credit under this subsection once at any time during its first  
30 year of operation. A new eligible business in a tier-one  
31 qualified county which has at least 10 qualified employees on

1 the date of application shall receive a \$1,500 tax credit for  
2 each such employee. A new eligible business in a tier-two  
3 qualified county which has at least 20 qualified employees on  
4 the date of application shall receive a \$1,000 tax credit for  
5 each such employee. A new eligible business in a tier-three  
6 qualified county which has at least 30 qualified employees on  
7 the date of application shall receive a \$500 tax credit for  
8 each such employee.

9       (3)~~(4)~~ An existing eligible business may apply for a  
10 tax credit under this subsection at any time it is entitled to  
11 such credit, except as restricted by this subsection. An  
12 existing eligible business in a tier-one qualified county  
13 which on the date of application has at least 5 more qualified  
14 employees than it had 1 year prior to its date of application  
15 shall receive a \$1,500 tax credit for each such additional  
16 employee. An existing eligible business in a tier-two  
17 qualified county which on the date of application has at least  
18 10 more qualified employees than it had 1 year prior to its  
19 date of application shall receive a \$1,000 credit for each  
20 such additional employee. An existing business in a tier-three  
21 qualified county which on the date of application has at least  
22 15 more qualified employees than it had 1 year prior to its  
23 date of application shall receive a \$500 tax credit for each  
24 such additional employee. An existing eligible business may  
25 apply for the credit under this subsection no more than once  
26 in any 12-month period. Any existing eligible business that  
27 received a credit under subsection(2)~~(3)~~ may not apply for  
28 the credit under this subsection sooner than 12 months after  
29 the application date for the credit under subsection(2)~~(3)~~.

30       (4)~~(5)~~ For any new eligible business receiving a  
31 credit pursuant to subsection(2)~~(3)~~, an additional \$500

1 credit shall be provided for any qualified employee who is a  
2 WAGES Program participant pursuant to chapter 414. For any  
3 existing eligible business receiving a credit pursuant to  
4 subsection~~(3)(4)~~, an additional \$500 credit shall be  
5 provided for any qualified employee who is a WAGES Program  
6 participant pursuant to chapter 414. Such employee must be  
7 employed on the application date and have been employed less  
8 than 1 year. This credit shall be in addition to other credits  
9 pursuant to this section regardless of the tier-level of the  
10 county. Appropriate documentation concerning the eligibility  
11 of an employee for this credit must be submitted as determined  
12 by the department.

13 (5)(6) To be eligible for a tax credit under  
14 subsection~~(3)(4)~~, the number of qualified employees employed  
15 1 year prior to the application date must be no lower than the  
16 number of qualified employees on the application date on which  
17 a credit under this section was based for any previous  
18 application, including an application under subsection~~(2)~~  
19 ~~(3)~~.

20 (6)(7)(a) In order to claim this credit, an eligible  
21 business must file under oath with the Office of Tourism,  
22 Trade, and Economic Development a statement that includes the  
23 name and address of the eligible business, the starting salary  
24 or hourly wages paid to the new employee, and any other  
25 information that the Department of Revenue requires.

26 (b) Within 30 working days after receipt of an  
27 application for credit, the Office of Tourism, Trade, and  
28 Economic Development shall review the application to determine  
29 whether it contains all the information required by this  
30 subsection and meets the criteria set out in this section.  
31 Subject to the provisions of paragraph (c), the Office of

1 Tourism, Trade, and Economic Development shall approve all  
2 applications that contain the information required by this  
3 subsection and meet the criteria set out in this section as  
4 eligible to receive a credit.

5 (c) The maximum credit amount that may be approved  
6 during any calendar year is \$5 million. The Department of  
7 Revenue, in conjunction with the Office of Tourism, Trade, and  
8 Economic Development, shall notify the governing bodies in  
9 areas designated as qualified counties when the \$5 million  
10 maximum amount has been reached. Applications must be  
11 considered for approval in the order in which they are  
12 received without regard to whether the credit is for a new or  
13 existing business. This limitation applies to the value of  
14 the credit as contained in approved applications. Approved  
15 credits may be taken in the time and manner allowed pursuant  
16 to this section.

17 (7)~~(8)~~ If the application is insufficient to support  
18 the credit authorized in this section, the Office of Tourism,  
19 Trade, and Economic Development shall deny the credit and  
20 notify the business of that fact. The business may reapply  
21 for this credit within 3 months after such notification.

22 (8)~~(9)~~ If the credit under this section is greater  
23 than can be taken on a single tax return, excess amounts may  
24 be taken as credits on any tax return submitted within 12  
25 months after the approval of the application by the  
26 department.

27 (9)~~(10)~~ It is the responsibility of each business to  
28 affirmatively demonstrate to the satisfaction of the  
29 Department of Revenue that it meets the requirements of this  
30 section.

31

1           ~~(10)(11)~~ Any person who fraudulently claims this  
2 credit is liable for repayment of the credit plus a mandatory  
3 penalty of 100 percent of the credit and is guilty of a  
4 misdemeanor of the second degree, punishable as provided in s.  
5 775.082 or s. 775.083.

6           ~~(11)(12)~~ A corporation may take the credit under this  
7 section against its corporate income tax liability, as  
8 provided in s. 220.1895. However, a corporation that uses its  
9 job tax credit against the tax imposed by chapter 220 may not  
10 receive the credit provided for in this section. A credit may  
11 be taken against only one tax.

12           ~~(12)(13)~~ The department shall adopt rules governing  
13 the manner and form of applications for credit and may  
14 establish guidelines as to the requisites for an affirmative  
15 showing of qualification for the credit under this section.

16           ~~(14)~~ ~~Applications for a credit under this section may~~  
17 ~~be submitted on or after January 1, 1999.~~

18           Section 17. Subsection (7) of section 212.20, Florida  
19 Statutes, is repealed.

20           Section 18. Section 212.215, Florida Statutes, is  
21 repealed.

22           Section 19. Section 213.01, Florida Statutes, is  
23 repealed.

24           Section 20. Section 213.065, Florida Statutes, is  
25 repealed.

26           Section 21. Section 213.066, Florida Statutes, is  
27 repealed.

28           Section 22. Section 215.3208, Florida Statutes, is  
29 amended to read:

30           215.3208 Trust funds; ~~schedule for termination~~  
31 legislative review.--

1           ~~(1) Except for those trust funds exempt from automatic~~  
2 ~~termination pursuant to the provisions of s. 19(f)(3), Art.~~  
3 ~~III of the State Constitution, trust funds administered by the~~  
4 ~~following entities shall be reviewed and may be terminated or~~  
5 ~~re-created by the Legislature, as appropriate, during the~~  
6 ~~regular session of the Legislature in the year indicated:~~

7           ~~(a) In 1994:~~

- 8           ~~1. Department of Corrections.~~
- 9           ~~2. Department of Highway Safety and Motor Vehicles.~~
- 10           ~~3. Department of Law Enforcement.~~
- 11           ~~4. Department of Legal Affairs.~~
- 12           ~~5. Department of the Lottery.~~
- 13           ~~6. Department of Management Services.~~
- 14           ~~7. Department of Military Affairs.~~
- 15           ~~8. Department of Transportation.~~
- 16           ~~9. Game and Fresh Water Fish Commission.~~
- 17           ~~10. Judicial branch.~~
- 18           ~~11. Justice Administrative Commission.~~
- 19           ~~12. Parole Commission.~~

20           ~~(b) In 1995:~~

- 21           ~~1. Department of Agriculture and Consumer Services.~~
- 22           ~~2. Department of Banking and Finance.~~
- 23           ~~3. Department of Citrus.~~
- 24           ~~4. Department of Education.~~
- 25           ~~5. Department of Environmental Protection.~~
- 26           ~~6. Department of Revenue.~~
- 27           ~~7. Executive Office of the Governor.~~
- 28           ~~8. Florida Public Service Commission.~~

29           ~~(c) In 1996:~~

- 30           ~~1. Agency for Health Care Administration.~~
- 31           ~~2. Commission on Ethics.~~

- 1           ~~3. Department of Business and Professional Regulation.~~
- 2           ~~4. Department of Children and Family Services.~~
- 3           ~~5. Department of Commerce.~~
- 4           ~~6. Department of Community Affairs.~~
- 5           ~~7. Department of Elderly Affairs.~~
- 6           ~~8. Department of Health.~~
- 7           ~~9. Department of Insurance.~~
- 8           ~~10. Department of Juvenile Justice.~~
- 9           ~~11. Department of Labor and Employment Security.~~
- 10          ~~12. Department of State.~~
- 11          ~~13. Department of Veterans' Affairs.~~
- 12          ~~14. Legislative branch.~~

13           ~~(2) All other trust funds not administered by the~~  
14 ~~entities listed in subsection (1) and not exempt from~~  
15 ~~automatic termination pursuant to the provisions of s.~~  
16 ~~19(f)(3), Art. III of the State Constitution shall be reviewed~~  
17 ~~and may be terminated or re-created by the Legislature, as~~  
18 ~~appropriate, during the 1996 Regular Session of the~~  
19 ~~Legislature.~~

20           (1)(3) For the purpose of reviewing trust funds prior  
21 to their automatic termination pursuant to the provisions of  
22 s. 19(f)(2), Art. III of the State Constitution ~~purposes of~~  
23 ~~this section~~, the Legislature shall review the trust funds as  
24 they are identified by a unique 6-digit code in the Florida  
25 Accounting Information Resource Subsystem at a level composed  
26 of the 2-digit organization level 1, the 1-digit state fund  
27 type 2, and the first three digits of the fund identifier.  
28 When a statutorily created trust fund that was in existence on  
29 November 4, 1992, has more than one 6-digit code, the  
30 Legislature may treat it as a single trust fund for the

31



1 purposes of this section. The Legislature may also conduct its  
2 review concerning accounts within such trust funds.

3 ~~(2)(4)~~(a) When the Legislature terminates a trust  
4 fund, the agency or branch of state government that  
5 administers the trust fund shall pay any outstanding debts or  
6 obligations of the trust fund as soon as practicable, and the  
7 Comptroller shall close out and remove the trust fund from the  
8 various state accounting systems, using generally accepted  
9 accounting principles concerning assets, liabilities, and  
10 warrants outstanding.

11 (b) If the Legislature determines to terminate a trust  
12 fund, it may provide for the distribution of moneys in that  
13 trust fund. If such a distribution is not provided, the moneys  
14 remaining after all outstanding obligations of the trust fund  
15 are met shall be deposited in the General Revenue Fund.

16 Section 23. Section 215.821, Florida Statutes, is  
17 repealed.

18 Section 24. Section 220.18, Florida Statutes, is  
19 repealed.

20 Section 25. Section 193.076, subsection (5) of section  
21 193.085, and subsection (4) of section 195.073, Florida  
22 Statutes, are repealed.

23 Section 26. Subsection (3) of section 193.077, Florida  
24 Statutes, is amended to read:

25 193.077 Notice of new, rebuilt, or expanded  
26 property.--

27 (3) Within 10 days of extension or recertification of  
28 the assessment rolls pursuant to s. 193.122, whichever is  
29 later, the property appraiser shall forward to the department  
30 a list of all property of new businesses and property  
31 separately assessed as expansion-related or rebuilt property

1 pursuant to s. 193.085(5)~~(6)~~(a). The list shall include the  
2 name and address of the business to which the property is  
3 assessed, the assessed value of the property, the total taxes  
4 levied against the property, the identifying number for the  
5 property as shown on the assessment roll, and a description of  
6 the property.

7 Section 27. Section 220.183, Florida Statutes, is  
8 amended to read:

9 220.183 Community contribution tax credit.--

10 ~~(1) LEGISLATIVE FINDINGS.--The Legislature finds that:~~

11 ~~(a) There exist in the counties and municipalities~~  
12 ~~conditions of blight evidenced by extensive deterioration of~~  
13 ~~public and private facilities, abandonment of sound~~  
14 ~~structures, and high unemployment which conditions impede the~~  
15 ~~conservation and development of healthy, safe, and~~  
16 ~~economically viable communities.~~

17 ~~(b) Deterioration of housing and industrial,~~  
18 ~~commercial, and public facilities contributes to the decline~~  
19 ~~of neighborhoods and communities and leads to the loss of~~  
20 ~~their historic character and the sense of community which this~~  
21 ~~inspires; reduces the value of property comprising the tax~~  
22 ~~base of local communities; discourages private investment; and~~  
23 ~~requires a disproportionate expenditure of public funds for~~  
24 ~~the social services, unemployment benefits, and police~~  
25 ~~protection required to combat the social and economic problems~~  
26 ~~found in slum communities.~~

27 ~~(c) In order to ultimately restore social and economic~~  
28 ~~viability to enterprise zones, it is necessary to renovate or~~  
29 ~~construct new housing, water and sewer infrastructure, and~~  
30 ~~transportation facilities and to specifically provide~~  
31 ~~mechanisms to attract and encourage private economic activity.~~

1           ~~(d) The various local governments and other~~  
2 ~~redevelopment organizations now undertaking physical~~  
3 ~~revitalization projects are limited by tightly constrained~~  
4 ~~budgets and inadequate resources.~~

5           ~~(e) In order to significantly improve revitalization~~  
6 ~~efforts by local governments and community development~~  
7 ~~organizations and to retain as much of the historic character~~  
8 ~~of our communities as possible, it is necessary to provide~~  
9 ~~additional resources, and the participation of private~~  
10 ~~enterprise in revitalization efforts is an effective means for~~  
11 ~~accomplishing that goal.~~

12           ~~(2) POLICY AND PURPOSE.--It is the policy of this~~  
13 ~~state to encourage the participation of private corporations~~  
14 ~~in revitalization projects undertaken by public redevelopment~~  
15 ~~organizations. The purpose of this section is to provide an~~  
16 ~~incentive for such participation by granting partial state~~  
17 ~~income tax credits to corporations that contribute resources~~  
18 ~~to public redevelopment organizations for the revitalization~~  
19 ~~of enterprise zones for the benefit of low-income and~~  
20 ~~moderate-income persons or to preserve existing historically~~  
21 ~~significant properties within enterprise zones to the greatest~~  
22 ~~extent possible. The Legislature thus declares this a public~~  
23 ~~purpose for which public money may be borrowed, expended,~~  
24 ~~loaned, and granted.~~

25           ~~(1)(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION~~  
26 ~~TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM~~  
27 ~~SPENDING.--~~

28           ~~(a) Beginning July 1, 1995, There shall be allowed a~~  
29 ~~credit of 50 percent of a community contribution against any~~  
30 ~~tax due for a taxable year under this chapter.~~

31

1 (b) No business firm shall receive more than \$200,000  
2 in annual tax credits for all approved community contributions  
3 made in any one year.

4 (c) The total amount of tax credit which may be  
5 granted for all programs approved under this section and s.  
6 624.5105 is \$10 million annually.

7 (d) All proposals for the granting of the tax credit  
8 shall require the prior approval of the Office of Tourism,  
9 Trade, and Economic Development.

10 (e) If the credit granted pursuant to this section is  
11 not fully used in any one year because of insufficient tax  
12 liability on the part of the business firm, the unused amount  
13 may be carried forward for a period not to exceed 5 years. The  
14 carryover credit may be used in a subsequent year when the tax  
15 imposed by this chapter for such year exceeds the credit for  
16 such year under this section after applying the other credits  
17 and unused credit carryovers in the order provided in s.  
18 220.02(8)(10).

19 (f) A taxpayer who files a Florida consolidated return  
20 as a member of an affiliated group pursuant to s. 220.131(1)  
21 may be allowed the credit on a consolidated return basis.

22 (g) A taxpayer who is eligible to receive the credit  
23 provided for in s. 624.5105 is not eligible to receive the  
24 credit provided by this section.

25 (2)(4) ELIGIBILITY REQUIREMENTS.--

26 (a) All community contributions by a business firm  
27 shall be in the form specified in s. 220.03(1)(d).

28 (b) All community contributions must be reserved  
29 exclusively for use in projects as defined in s. 220.03(1)(t).

30 (c) The project must be undertaken by an "eligible  
31 sponsor," defined here as:

- 1           1. A community action program;
- 2           2. A community development corporation;
- 3           3. A neighborhood housing services corporation;
- 4           4. A local housing authority, created pursuant to
- 5 chapter 421;
- 6           5. A community redevelopment agency, created pursuant
- 7 to s. 163.356;
- 8           6. The Florida Industrial Development Corporation;
- 9           7. An historic preservation district agency or
- 10 organization;
- 11           8. A private industry council;
- 12           9. A direct-support organization as provided in s.
- 13 240.551;
- 14           10. An enterprise zone development agency created
- 15 pursuant to s. 290.0057; or
- 16           11. Such other agency as the Office of Tourism, Trade,
- 17 and Economic Development may, from time to time, designate by
- 18 rule.

19  
20 In no event shall a contributing business firm have a  
21 financial interest in the eligible sponsor.

22           (d) The project shall be located in an area designated  
23 as an enterprise zone pursuant to s. 290.0065. Any project  
24 designed to construct or rehabilitate low-income housing is  
25 exempt from the area requirement of this paragraph.

26           (3)~~(5)~~ APPLICATION REQUIREMENTS.--

27           (a) Any eligible sponsor wishing to participate in  
28 this program must submit a proposal to the Office of Tourism,  
29 Trade, and Economic Development which sets forth the sponsor,  
30 the project, the area in which the project is located, and  
31 such supporting information as may be prescribed by rule. The

1 proposal shall also contain a resolution from the local  
2 governmental unit in which it is located certifying that the  
3 project is consistent with local plans and regulations.

4 (b) Any business wishing to participate in this  
5 program must submit an application for tax credit to the  
6 Office of Tourism, Trade, and Economic Development, which  
7 application sets forth the sponsor; the project; and the type,  
8 value, and purpose of the contribution. The sponsor shall  
9 verify the terms of the application and indicate its  
10 willingness to receive the contribution, which verification  
11 indicate its willingness to receive the contribution, which  
12 verification shall be in writing and shall accompany the  
13 application for tax credit.

14 (c) The business firm must submit a separate  
15 application for tax credit for each individual contribution  
16 which it proposes to contribute to each individual project.

17 (4)~~(6)~~ ADMINISTRATION.--

18 (a) The Office of Tourism, Trade, and Economic  
19 Development has authority to adopt rules pursuant to ss.  
20 120.536(1) and 120.54 to implement the provisions of this  
21 section, including rules for the approval or disapproval of  
22 proposals by business firms.

23 (b) The decision of the Office of Tourism, Trade, and  
24 Economic Development shall be in writing, and, if approved,  
25 the proposal shall state the maximum credit allowable to the  
26 business firm. A copy of the decision shall be transmitted to  
27 the executive director of the Department of Revenue, who shall  
28 apply such credit to the tax liability of the business firm.

29 (c) The Office of Tourism, Trade, and Economic  
30 Development shall periodically monitor all projects in a  
31 manner consistent with available resources to ensure that

1 resources are utilized in accordance with this section;  
2 however, each project shall be reviewed no less often than  
3 once every 2 years.

4 (d) The Department of Revenue has authority to adopt  
5 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
6 provisions of this section.

7 (5)~~(7)~~ EXPIRATION.--The provisions of this section,  
8 except paragraph(1)~~(3)~~(e), shall expire and be void on June  
9 30, 2005.

10 Section 28. Subsections (1) and (2) of section  
11 220.185, Florida Statutes, are repealed.

12 Section 29. Section 220.188, Florida Statutes, is  
13 repealed.

14 Section 30. Subsections (6) and (9) of section 220.02,  
15 Florida Statutes, are repealed, and present subsection (10) of  
16 that section is renumbered and amended to read:

17 220.02 Legislative intent.--

18 (8)~~(10)~~ It is the intent of the Legislature that  
19 credits against either the corporate income tax or the  
20 franchise tax be applied in the following order: those  
21 enumerated in s. 220.68, ~~those enumerated in s. 220.18,~~those  
22 enumerated in s. 631.828, those enumerated in s. 220.191,  
23 those enumerated in s. 220.181, those enumerated in s.  
24 220.183, those enumerated in s. 220.182, those enumerated in  
25 s. 220.1895, those enumerated in s. 221.02, those enumerated  
26 in s. 220.184, those enumerated in s. 220.186, ~~those~~  
27 ~~enumerated in s. 220.188,~~those enumerated in s. 220.1845,  
28 those enumerated in s. 220.19, and those enumerated in s.  
29 220.185.

30  
31

1           Section 31. Subsection (8) of section 220.02, Florida  
2 Statutes, as renumbered by this act and amended by chapter  
3 99-378, Laws of Florida, is amended to read:

4           220.02 Legislative intent.--

5           (8) It is the intent of the Legislature that credits  
6 against either the corporate income tax or the franchise tax  
7 be applied in the following order: ~~those enumerated in s.~~  
8 ~~220.18,~~those enumerated in s. 631.828, those enumerated in s.  
9 220.191, those enumerated in s. 220.181, those enumerated in  
10 s. 220.183, those enumerated in s. 220.182, those enumerated  
11 in s. 220.1895, those enumerated in s. 221.02, those  
12 enumerated in s. 220.184, those enumerated in s. 220.186,  
13 ~~those enumerated in s. 220.188,~~those enumerated in s.  
14 220.1845, those enumerated in s. 220.19, and those enumerated  
15 in s. 220.185.

16           Section 32. Paragraph (c) of subsection (1) of section  
17 220.181, Florida Statutes, is amended to read:

18           220.181 Enterprise zone jobs credit.--

19           (1)

20           (c) If this credit is not fully used in any one year,  
21 the unused amount may be carried forward for a period not to  
22 exceed 5 years. The carryover credit may be used in a  
23 subsequent year when the tax imposed by this chapter for such  
24 year exceeds the credit for such year after applying the other  
25 credits and unused credit carryovers in the order provided in  
26 s. 220.02(8)~~(10)~~.

27           Section 33. Subsection (1) of section 220.182, Florida  
28 Statutes, is amended to read:

29           220.182 Enterprise zone property tax credit.--

30           (1)(a) Beginning July 1, 1995, there shall be allowed  
31 a credit against the tax imposed by this chapter to any



1 business which establishes a new business as defined in s.  
2 220.03(1)(p)~~2~~, expands an existing business as defined in s.  
3 220.03(1)(k)~~2~~, or rebuilds an existing business as defined in  
4 s. 220.03(1)(u) in this state. The credit shall be computed  
5 annually as ad valorem taxes paid in this state, in the case  
6 of a new business; the additional ad valorem tax paid in this  
7 state resulting from assessments on additional real or  
8 tangible personal property acquired to facilitate the  
9 expansion of an existing business; or the ad valorem taxes  
10 paid in this state resulting from assessments on property  
11 replaced or restored, in the case of a rebuilt business,  
12 including pollution and waste control facilities, or any part  
13 thereof, and including one or more buildings or other  
14 structures, machinery, fixtures, and equipment.

15 (b) If the credit granted pursuant to this section is  
16 not fully used in any one year, the unused amount may be  
17 carried forward for a period not to exceed 5 years. The  
18 carryover credit may be used in a subsequent year when the tax  
19 imposed by this chapter for such year exceeds the credit for  
20 such year under this section after applying the other credits  
21 and unused credit carryovers in the order provided in s.  
22 220.02(8)~~(10)~~. The amount of credit taken under this section  
23 in any one year, however, shall not exceed \$25,000, or, if no  
24 less than 20 percent of the employees of the business are  
25 residents of an enterprise zone, excluding temporary  
26 employees, the amount shall not exceed \$50,000.

27 Section 34. Subsection (3) of section 220.184, Florida  
28 Statutes, is amended to read:

29 220.184 Hazardous waste facility tax credit.--

30 (3) If any credit granted pursuant to this section is  
31 not fully used in the first year for which it becomes

1 available, the unused amount may be carried forward for a  
2 period not to exceed 5 years. The carryover may be used in a  
3 subsequent year when the tax imposed by this chapter for such  
4 year exceeds the credit for such year under this section after  
5 applying the other credits and unused credit carryovers in the  
6 order provided in s. 220.02(8)~~(10)~~.

7 Section 35. Paragraph (c) of subsection (1) of section  
8 220.1845, Florida Statutes, is amended to read:

9 220.1845 Contaminated site rehabilitation tax  
10 credit.--

11 (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

12 (c) If the credit granted under this section is not  
13 fully used in any one year because of insufficient tax  
14 liability on the part of the corporation, the unused amount  
15 may be carried forward for a period not to exceed 5 years. The  
16 carryover credit may be used in a subsequent year when the tax  
17 imposed by this chapter for that year exceeds the credit for  
18 which the corporation is eligible in that year under this  
19 section after applying the other credits and unused carryovers  
20 in the order provided by s. 220.02(8)~~(10)~~.

21 Section 36. Section 220.1895, Florida Statutes, is  
22 amended to read:

23 220.1895 Rural Job Tax Credit and Urban High-Crime  
24 Area Job Tax Credit.--There shall be allowed a credit against  
25 the tax imposed by this chapter amounts approved by the Office  
26 of Tourism, Trade, and Economic Development pursuant to the  
27 Rural Job Tax Credit Program in s. 212.098 and the Urban  
28 High-Crime Area Job Tax Credit Program in s. 212.097. A  
29 corporation that uses its credit against the tax imposed by  
30 this chapter may not take the credit against the tax imposed  
31 by chapter 212. If any credit granted under this section is

1 not fully used in the first year for which it becomes  
2 available, the unused amount may be carried forward for a  
3 period not to exceed 5 years. The carryover may be used in a  
4 subsequent year when the tax imposed by this chapter for such  
5 year exceeds the credit for such year under this section after  
6 applying the other credits and unused credit carryovers in the  
7 order provided in s. 220.02(8)~~(10)~~. The Office of Tourism,  
8 Trade, and Economic Development shall conduct a review of the  
9 Urban High-Crime Area Job Tax Credit and the Rural Job Tax  
10 Credit Program and submit its report to the Governor, the  
11 President of the Senate, and the Speaker of the House of  
12 Representatives by February 1, 2000.

13 Section 37. Paragraph (e) of subsection (1) of section  
14 220.19, Florida Statutes, is amended to read:

15 220.19 Child care tax credits.--

16 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

17 (e) If the credit granted under this section is not  
18 fully used in any one year because of insufficient tax  
19 liability on the part of the corporation, the unused amount  
20 may be carried forward for a period not to exceed 5 years. The  
21 carryover credit may be used in a subsequent year when the tax  
22 imposed by this chapter for that year exceeds the credit for  
23 which the corporation is eligible in that year under this  
24 section after applying the other credits and unused carryovers  
25 in the order provided by s. 220.02(8)~~(10)~~.

26 Section 38. Paragraphs (dd), (ee), and (ff) of  
27 subsection (1) of section 220.03, Florida Statutes, are  
28 repealed, and paragraphs (k), (p), and (t) of that subsection  
29 are amended to read:

30 220.03 Definitions.--

31

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

5           (k)1. ~~"Expansion of an existing business," for the~~  
6 ~~purposes of the gasohol development tax incentive credit,~~  
7 ~~refers to capital investment in a productive business~~  
8 ~~operation, not defined as a new business, which results in a~~  
9 ~~net increase in the amount of real or tangible personal~~  
10 ~~property owned by it or, in the case of government-owned real~~  
11 ~~property, leased by it, for the purpose of engaging in the~~  
12 ~~distillation of ethyl alcohol for use in motor fuels or in the~~  
13 ~~manufacture of equipment for the processing and distillation~~  
14 ~~of ethyl alcohol for use in motor fuels.~~

15           2. "Expansion of an existing business," for the  
16 purposes of the enterprise zone property tax credit, means any  
17 business entity authorized to do business in this state as  
18 defined in paragraph (e), and any bank or savings and loan  
19 association as defined in s. 220.62, subject to the tax  
20 imposed by the provisions of this chapter, located in an  
21 enterprise zone, which expands by or through additions to real  
22 and personal property and which establishes five or more new  
23 jobs to employ five or more additional full-time employees at  
24 such location. The provisions of this paragraph ~~subparagraph~~  
25 shall expire and be void on June 30, 2005.

26           (p)1. ~~"New business," for the purposes of the gasohol~~  
27 ~~development tax incentive credit, means a productive business~~  
28 ~~operation, which heretofore did not exist in this state,~~  
29 ~~engaged in the distillation of ethyl alcohol for use in motor~~  
30 ~~fuels or in the manufacture of equipment for the processing~~  
31 ~~and distillation of ethyl alcohol for use in motor fuels.~~

1           ~~2-~~ "New business," for the purposes of the enterprise  
2 zone property tax credit, means any business entity authorized  
3 to do business in this state as defined in paragraph (e), or  
4 any bank or savings and loan association as defined in s.  
5 220.62, subject to the tax imposed by the provisions of this  
6 chapter, first beginning operations on a site located in an  
7 enterprise zone and clearly separate from any other commercial  
8 or industrial operations owned by the same entity, bank, or  
9 savings and loan association and which establishes five or  
10 more new jobs to employ five or more additional full-time  
11 employees at such location. The provisions of this paragraph  
12 ~~subparagraph~~ shall expire and be void on June 30, 2005.

13           (t) "Project" means any activity undertaken by an  
14 eligible sponsor, as defined in s. 220.183(2)~~(4)~~(c), which is  
15 designed to construct, improve, or substantially rehabilitate  
16 housing or commercial, industrial, or public resources and  
17 facilities or to improve entrepreneurial and job-development  
18 opportunities for low-income persons. The provisions of this  
19 paragraph shall expire and be void on June 30, 2005.

20           Section 39. Section 288.106, Florida Statutes, is  
21 amended to read:

22           288.106 Tax refund program for qualified target  
23 industry businesses.--

24           ~~(1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The~~  
25 ~~Legislature finds that attracting, retaining, and providing~~  
26 ~~favorable conditions for the growth of target industries~~  
27 ~~provides high-quality employment opportunities for citizens of~~  
28 ~~this state and enhances the economic foundations of this~~  
29 ~~state. It is the policy of this state to encourage the growth~~  
30 ~~of a high-value-added employment and economic base by~~  
31 ~~providing tax refunds to qualified target industry businesses~~

1 ~~that create new high-wage employment opportunities in this~~  
2 ~~state by expanding existing businesses within this state or by~~  
3 ~~bringing new businesses to this state.~~

4 (1)~~(2)~~ DEFINITIONS.--As used in this section:

5 (a) "Account" means the Economic Development  
6 Incentives Account within the Economic Development Trust Fund  
7 established under s. 288.095.

8 (b) "Average private sector wage in the area" means  
9 the statewide private sector average wage or the average of  
10 all private sector wages and salaries in the county or in the  
11 standard metropolitan area in which the business is located.

12 (c) "Business" means an employing unit, as defined in  
13 s. 443.036, which is registered with the Department of Labor  
14 and Employment Security for unemployment compensation purposes  
15 or a subcategory or division of an employing unit which is  
16 accepted by the Department of Labor and Employment Security as  
17 a reporting unit.

18 (d) "Corporate headquarters business" means an  
19 international, national, or regional headquarters office of a  
20 multinational or multistate business enterprise or national  
21 trade association, whether separate from or connected with  
22 other facilities used by such business.

23 (e) "Office" means the Office of Tourism, Trade, and  
24 Economic Development.

25 (f) "Enterprise zone" means an area designated as an  
26 enterprise zone pursuant to s. 290.0065.

27 (g) "Expansion of an existing business" means the  
28 expansion of an existing Florida business by or through  
29 additions to real and personal property, resulting in a net  
30 increase in employment of not less than 10 percent at such  
31 business.

1           (h) "Fiscal year" means the fiscal year of the state.

2           (i) "Jobs" means full-time equivalent positions, as  
3 such terms are consistent with terms used by the Department of  
4 Labor and Employment Security and the United States Department  
5 of Labor for purposes of unemployment compensation tax  
6 administration and employment estimation, resulting directly  
7 from a project in this state. This number shall not include  
8 temporary construction jobs involved with the construction of  
9 facilities for the project or any jobs which have previously  
10 been included in any application for tax refunds under s.  
11 288.104 or this section.

12           (j) "Local financial support" means funding from local  
13 sources, public or private, which is paid to the Economic  
14 Development Trust Fund and which is equal to 20 percent of the  
15 annual tax refund for a qualified target industry business. A  
16 qualified target industry business may not provide, directly  
17 or indirectly, more than 5 percent of such funding in any  
18 fiscal year. The sources of such funding may not include,  
19 directly or indirectly, state funds appropriated from the  
20 General Revenue Fund or any state trust fund, excluding tax  
21 revenues shared with local governments pursuant to law.

22           (k) "Local financial support exemption option" means  
23 the option to exercise an exemption from the local financial  
24 support requirement available to any applicant whose project  
25 is located in a county with a population of 75,000 or fewer or  
26 a county with a population of 100,000 or fewer which is  
27 contiguous to a county with a population of 75,000 or fewer.  
28 Any applicant that exercises this option shall not be eligible  
29 for more than 80 percent of the total tax refunds allowed such  
30 applicant under this section.

31

1           (1) "New business" means a business which heretofore  
2 did not exist in this state, first beginning operations on a  
3 site located in this state and clearly separate from any other  
4 commercial or industrial operations owned by the same  
5 business.

6           (m) "Project" means the creation of a new business or  
7 expansion of an existing business.

8           (n) "Director" means the Director of the Office of  
9 Tourism, Trade, and Economic Development.

10          (o) "Target industry business" means a corporate  
11 headquarters business or any business that is engaged in one  
12 of the target industries identified pursuant to the following  
13 criteria developed by the office in consultation with  
14 Enterprise Florida, Inc.:

15           1. Future growth.--Industry forecasts should indicate  
16 strong expectation for future growth in both employment and  
17 output, according to the most recent available data. Special  
18 consideration should be given to Florida's growing access to  
19 international markets or to replacing imports.

20           2. Stability.--The industry should not be subject to  
21 periodic layoffs, whether due to seasonality or sensitivity to  
22 volatile economic variables such as weather. The industry  
23 should also be relatively resistant to recession, so that the  
24 demand for products of this industry is not necessarily  
25 subject to decline during an economic downturn.

26           3. High wage.--The industry should pay relatively high  
27 wages compared to statewide or area averages.

28           4. Market and resource independent.--The location of  
29 industry businesses should not be dependent on Florida markets  
30 or resources as indicated by industry analysis.

31



1           5. Industrial base diversification and  
2 strengthening.--The industry should contribute toward  
3 expanding or diversifying the state's or area's economic base,  
4 as indicated by analysis of employment and output shares  
5 compared to national and regional trends. Special  
6 consideration should be given to industries that strengthen  
7 regional economies by adding value to basic products or  
8 building regional industrial clusters as indicated by industry  
9 analysis.

10           6. Economic benefits.--The industry should have strong  
11 positive impacts on or benefits to the state and regional  
12 economies.

13  
14 The office, in consultation with Enterprise Florida, Inc.,  
15 shall develop a list of such target industries annually and  
16 submit such list as part of the final agency legislative  
17 budget request submitted pursuant to s. 216.023(1). A target  
18 industry business may not include any industry engaged in  
19 retail activities; any electrical utility company; any  
20 phosphate or other solid minerals severance, mining, or  
21 processing operation; any oil or gas exploration or production  
22 operation; or any firm subject to regulation by the Division  
23 of Hotels and Restaurants of the Department of Business and  
24 Professional Regulation.

25           (p) "Taxable year" means taxable year as defined in s.  
26 220.03(1)(z).

27           (q) "Qualified target industry business" means a  
28 target industry business that has been approved by the  
29 director to be eligible for tax refunds pursuant to this  
30 section.

31

1 (r) "Rural county" means a county with a population of  
2 75,000 or fewer or a county with a population of 100,000 or  
3 fewer which is contiguous to a county with a population of  
4 75,000 or fewer.

5 (s) "Rural city" means a city with a population of  
6 10,000 or less, or a city with a population of greater than  
7 10,000 but less than 20,000 which has been determined by the  
8 Office of Tourism, Trade, and Economic Development to have  
9 economic characteristics such as, but not limited to, a  
10 significant percentage of residents on public assistance, a  
11 significant percentage of residents with income below the  
12 poverty level, or a significant percentage of the city's  
13 employment base in agriculture-related industries.

14 (t) "Rural community" means:

- 15 1. A county with a population of 75,000 or less.
- 16 2. A county with a population of 100,000 or less that  
17 is contiguous to a county with a population of 75,000 or less.
- 18 3. A municipality within a county described in  
19 subparagraph 1. or subparagraph 2.

20  
21 For purposes of this paragraph, population shall be determined  
22 in accordance with the most recent official estimate pursuant  
23 to s. 186.901.

24 (u) "Authorized local economic development agency"  
25 means any public or private entity, including those defined in  
26 s. 288.075, authorized by a county or municipality to promote  
27 the general business or industrial interests of that county or  
28 municipality.

29 (2)~~(3)~~ TAX REFUND; ELIGIBLE AMOUNTS.--

30 (a) There shall be allowed, from the account, a refund  
31 to a qualified target industry business for the amount of

1 eligible taxes certified by the director which were paid by  
2 such business. The total amount of refunds for all fiscal  
3 years for each qualified target industry business must be  
4 determined pursuant to subsection (3)~~(4)~~. The annual amount  
5 of a refund to a qualified target industry business must be  
6 determined pursuant to subsection (5)~~(6)~~.

7 (b) Upon approval by the director, a qualified target  
8 industry business shall be allowed tax refund payments equal  
9 to \$3,000 times the number of jobs specified in the tax refund  
10 agreement under subparagraph (4)~~(5)~~(a)1., or equal to \$6,000  
11 times the number of jobs if the project is located in a rural  
12 county or an enterprise zone. Further, a qualified target  
13 industry business shall be allowed additional tax refund  
14 payments equal to \$1,000 times the number of jobs specified in  
15 the tax refund agreement under subparagraph (4)~~(5)~~(a)1., if  
16 such jobs pay an annual average wage of at least 150 percent  
17 of the average private-sector wage in the area, or equal to  
18 \$2,000 times the number of jobs if such jobs pay an annual  
19 average wage of at least 200 percent of the average  
20 private-sector wage in the area. A qualified target industry  
21 business may not receive refund payments of more than 25  
22 percent of the total tax refunds specified in the tax refund  
23 agreement under subparagraph (4)~~(5)~~(a)1. in any fiscal year.  
24 Further, a qualified target industry business may not receive  
25 more than \$1.5 million in refunds under this section in any  
26 single fiscal year, or more than \$2.5 million in any single  
27 fiscal year if the project is located in an enterprise zone. A  
28 qualified target industry may not receive more than \$5 million  
29 in refund payments under this section in all fiscal years, or  
30 more than \$7.5 million if the project is located in an  
31 enterprise zone. Funds made available pursuant to this section

1 may not be expended in connection with the relocation of a  
2 business from one community to another community in this state  
3 unless the Office of Tourism, Trade, and Economic Development  
4 determines that without such relocation the business will move  
5 outside this state or determines that the business has a  
6 compelling economic rationale for the relocation and that the  
7 relocation will create additional jobs.

8 (c) After entering into a tax refund agreement under  
9 subsection (4)~~(5)~~, a qualified target industry business may:

10 1. Receive refunds from the account for the following  
11 taxes due and paid by that business beginning with the first  
12 taxable year of the business which begins after entering into  
13 the agreement:

14 a. Corporate income taxes under chapter 220.

15 b. Insurance premium tax under s. 624.509.

16 2. Receive refunds from the account for the following  
17 taxes due and paid by that business after entering into the  
18 agreement:

19 a. Taxes on sales, use, and other transactions under  
20 chapter 212.

21 b. Intangible personal property taxes under chapter  
22 199.

23 c. Emergency excise taxes under chapter 221.

24 d. Excise taxes on documents under chapter 201.

25 e. Ad valorem taxes paid, as defined in s. 220.03(1).

26 (d) However, a qualified target industry business may  
27 not receive a refund under this section for any amount of  
28 credit, refund, or exemption granted to that business for any  
29 of such taxes. If a refund for such taxes is provided by the  
30 office, which taxes are subsequently adjusted by the  
31 application of any credit, refund, or exemption granted to the

1 qualified target industry business other than as provided in  
2 this section, the business shall reimburse the account for the  
3 amount of that credit, refund, or exemption. A qualified  
4 target industry business shall notify and tender payment to  
5 the office within 20 days after receiving any credit, refund,  
6 or exemption other than one provided in this section.

7 (e) A qualified target industry business that  
8 fraudulently claims a refund under this section:

9 1. Is liable for repayment of the amount of the refund  
10 to the account, plus a mandatory penalty in the amount of 200  
11 percent of the tax refund which shall be deposited into the  
12 General Revenue Fund.

13 2. Is guilty of a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

16 (3)~~(4)~~ APPLICATION AND APPROVAL PROCESS.--

17 (a) To apply for certification as a qualified target  
18 industry business under this section, the business must file  
19 an application with the office before the business has made  
20 the decision to locate a new business in this state or before  
21 the business had made the decision to expand an existing  
22 business in this state. The application shall include, but is  
23 not limited to, the following information:

24 1. The applicant's federal employer identification  
25 number and the applicant's state sales tax registration  
26 number.

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

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

1           4. The number of full-time equivalent jobs in this  
2 state that are or will be dedicated to the project and the  
3 average wage of those jobs. If more than one type of business  
4 activity or product is included in the project, the number of  
5 jobs and average wage for those jobs must be separately stated  
6 for each type of business activity or product.

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

9           6. The anticipated commencement date of the project.

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

13          8. An estimate of the proportion of the sales  
14 resulting from the project that will be made outside this  
15 state.

16          9. A resolution adopted by the governing board of the  
17 county or municipality in which the project will be located,  
18 which resolution recommends that certain types of businesses  
19 be approved as a qualified target industry business and states  
20 that the commitments of local financial support necessary for  
21 the target industry business exist. In advance of the passage  
22 of such resolution, the office may also accept an official  
23 letter from an authorized local economic development agency  
24 that endorses the proposed target industry project and pledges  
25 that sources of local financial support for such project  
26 exist. For the purposes of making pledges of local financial  
27 support under this subsection, the authorized local economic  
28 development agency shall be officially designated by the  
29 passage of a one-time resolution by the local governing  
30 authority.

31

1           10. Any additional information requested by the  
2 office.

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

6           1. The jobs proposed to be provided under the  
7 application, pursuant to subparagraph (a)4., must pay an  
8 estimated annual average wage equaling at least 115 percent of  
9 the average private sector wage in the area where the business  
10 is to be located or the statewide private sector average wage.  
11 The office may waive this average wage requirement at the  
12 request of the local governing body recommending the project  
13 and Enterprise Florida, Inc. The wage requirement may only be  
14 waived for a project located in a brownfield area designated  
15 under s. 376.80 or in a rural city or county or in an  
16 enterprise zone and only when the merits of the individual  
17 project or the specific circumstances in the community in  
18 relationship to the project warrant such action. If the local  
19 governing body and Enterprise Florida, Inc., make such a  
20 recommendation, it must be transmitted in writing and the  
21 specific justification for the waiver recommendation must be  
22 explained. If the director elects to waive the wage  
23 requirement, the waiver must be stated in writing and the  
24 reasons for granting the waiver must be explained.

25           2. The target industry business's project must result  
26 in the creation of at least 10 jobs at such project and, if an  
27 expansion of an existing business, must result in a net  
28 increase in employment of not less than 10 percent at such  
29 business. Notwithstanding the definition of the term  
30 "expansion of an existing business" in paragraph (1)~~(2)~~(g), at  
31 the request of the local governing body recommending the

1 project and Enterprise Florida, Inc., the office may define an  
2 "expansion of an existing business" in a rural community or an  
3 enterprise zone as the expansion of a business resulting in a  
4 net increase in employment of less than 10 percent at such  
5 business if the merits of the individual project or the  
6 specific circumstances in the community in relationship to the  
7 project warrant such action. If the local governing body and  
8 Enterprise Florida, Inc., make such a request, it must be  
9 transmitted in writing and the specific justification for the  
10 request must be explained. If the director elects to grant  
11 such request, such election must be stated in writing and the  
12 reason for granting the request must be explained.

13           3. The business activity or product for the  
14 applicant's project is within an industry or industries that  
15 have been identified by the office to be high-value-added  
16 industries that contribute to the area and to the economic  
17 growth of the state and that produce a higher standard of  
18 living for citizens of this state in the new global economy or  
19 that can be shown to make an equivalent contribution to the  
20 area and state's economic progress. The director must approve  
21 requests to waive the wage requirement for brownfield areas  
22 designated under s. 376.80 unless it is demonstrated that such  
23 action is not in the public interest.

24           (c) Each application meeting the requirements of  
25 paragraph (b) must be submitted to the office for  
26 determination of eligibility. The office shall review and  
27 evaluate each application based on, but not limited to, the  
28 following criteria:

29           1. Expected contributions to the state strategic  
30 economic development plan adopted by Enterprise Florida, Inc.,  
31



1 taking into account the long-term effects of the project and  
2 of the applicant on the state economy.

3 2. The economic benefit of the jobs created by the  
4 project in this state, taking into account the cost and  
5 average wage of each job created.

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

8 4. The local commitment and support for the project.

9 5. The effect of the project on the local community,  
10 taking into account the unemployment rate for the county where  
11 the project will be located.

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

18 7. The expected long-term commitment to this state  
19 resulting from the project.

20 8. A review of the business's past activities in this  
21 state or other states, including whether such business has  
22 been subjected to criminal or civil fines and penalties.  
23 Nothing in this subparagraph shall require the disclosure of  
24 confidential information.

25 (d) The office shall forward its written findings and  
26 evaluation concerning each application meeting the  
27 requirements of paragraph (b) to the director within 45  
28 calendar days after receipt of a complete application. The  
29 office shall notify each target industry business when its  
30 application is complete, and of the time when the 45-day  
31 period begins. In its written report to the director, the

1 office shall specifically address each of the factors  
2 specified in paragraph (c) and shall make a specific  
3 assessment with respect to the minimum requirements  
4 established in paragraph (b). The office shall include in its  
5 report projections of the tax refund claim that will be sought  
6 by the target industry business in each fiscal year based on  
7 the information submitted in the application.

8 (e)1. Within 30 days after receipt of the office's  
9 findings and evaluation, the director shall issue a letter of  
10 certification that either approves or disapproves the  
11 application of the target industry business. The decision must  
12 be in writing and must provide the justifications for approval  
13 or disapproval.

14 2. If appropriate, the director shall enter into a  
15 written agreement with the qualified target industry business  
16 pursuant to subsection (4)~~(5)~~.

17 (f) The director may not certify any target industry  
18 business as a qualified target industry business if the value  
19 of tax refunds to be included in that letter of certification  
20 exceeds the available amount of authority to certify new  
21 businesses as determined in s. 288.095(3). However, if the  
22 commitments of local financial support represent less than 20  
23 percent of the eligible tax refund payments, or to otherwise  
24 preserve the viability and fiscal integrity of the program,  
25 the director may certify a qualified target industry business  
26 to receive tax refund payments of less than the allowable  
27 amounts specified in paragraph (2)~~(3)~~(b). A letter of  
28 certification that approves an application must specify the  
29 maximum amount of tax refund that will be available to the  
30 qualified industry business in each fiscal year and the total  
31

1 amount of tax refunds that will be available to the business  
2 for all fiscal years.

3 (g) Nothing in this section shall create a presumption  
4 that an applicant will receive any tax refunds under this  
5 section. However, the office may issue nonbinding opinion  
6 letters, upon the request of prospective applicants, as to the  
7 applicants' eligibility and the potential amount of refunds.

8 (4)~~(5)~~ TAX REFUND AGREEMENT.--

9 (a) Each qualified target industry business must enter  
10 into a written agreement with the office which specifies, at a  
11 minimum:

12 1. The total number of full-time equivalent jobs in  
13 this state that will be dedicated to the project, the average  
14 wage of those jobs, the definitions that will apply for  
15 measuring the achievement of these terms during the pendency  
16 of the agreement, and a time schedule or plan for when such  
17 jobs will be in place and active in this state. This  
18 information must be the same as the information contained in  
19 the application submitted by the business under subsection(3)  
20 ~~(4)~~.

21 2. The maximum amount of tax refunds which the  
22 qualified target industry business is eligible to receive on  
23 the project and the maximum amount of a tax refund that the  
24 qualified target industry business is eligible to receive in  
25 each fiscal year.

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

30  
31

1           4. The date after which, in each fiscal year, the  
2 qualified target industry business may file an annual claim  
3 under subsection(5)~~(6)~~.

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

11           (b) Compliance with the terms and conditions of the  
12 agreement is a condition precedent for the receipt of a tax  
13 refund each year. The failure to comply with the terms and  
14 conditions of the tax refund agreement results in the loss of  
15 eligibility for receipt of all tax refunds previously  
16 authorized under this section and the revocation by the  
17 director of the certification of the business entity as a  
18 qualified target industry business.

19           (c) The agreement must be signed by the director and  
20 by an authorized officer of the qualified target industry  
21 business within 120 days after the issuance of the letter of  
22 certification under subsection(3)~~(4)~~, but not before passage  
23 and receipt of the resolution of local financial support.

24           (d) The agreement must contain the following legend,  
25 clearly printed on its face in bold type of not less than 10  
26 points in size: "This agreement is neither a general  
27 obligation of the State of Florida, nor is it backed by the  
28 full faith and credit of the State of Florida. Payment of tax  
29 refunds are conditioned on and subject to specific annual  
30 appropriations by the Florida Legislature of moneys sufficient  
31

1 to pay amounts authorized in section 288.106, Florida  
2 Statutes."

3 (5)~~(6)~~ ANNUAL CLAIM FOR REFUND.--

4 (a) A qualified target industry business that has  
5 entered into a tax refund agreement with the office under  
6 subsection(4)~~(5)~~ may apply once each fiscal year to the  
7 office for a tax refund. The application must be made on or  
8 after the date specified in that agreement.

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

16 (c) A tax refund may not be approved for a qualified  
17 target industry business unless the required local financial  
18 support has been paid into the account in that fiscal year. If  
19 the local financial support provided is less than 20 percent  
20 of the approved tax refund, the tax refund must be reduced. In  
21 no event may the tax refund exceed an amount that is equal to  
22 5 times the amount of the local financial support received.  
23 Further, funding from local sources includes any tax abatement  
24 granted to that business under s. 196.1995 or the appraised  
25 market value of municipal or county land conveyed or provided  
26 at a discount to that business. The amount of any tax refund  
27 for such business approved under this section must be reduced  
28 by the amount of any such tax abatement granted or the value  
29 of the land granted; and the limitations in subsection(2)~~(3)~~  
30 and paragraph(3)~~(4)~~(f) must be reduced by the amount of any  
31 such tax abatement or the value of the land granted. A report

1 listing all sources of the local financial support shall be  
2 provided to the office when such support is paid to the  
3 account.

4 (d) A prorated tax refund, less a 5-percent penalty,  
5 shall be approved for a qualified target industry business  
6 provided all other applicable requirements have been satisfied  
7 and the business proves to the satisfaction of the director  
8 that it has achieved at least 80 percent of its projected  
9 employment.

10 (e) The director, with such assistance as may be  
11 required from the office, the Department of Revenue, or the  
12 Department of Labor and Employment Security, shall specify by  
13 written final order the amount of the tax refund that is  
14 authorized for the qualified target industry business for the  
15 fiscal year within 30 days after the date that the claim for  
16 the annual tax refund is received by the office.

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

20 (g) Upon approval of the tax refund under paragraphs  
21 (c), (d), and (e), the Comptroller shall issue a warrant for  
22 the amount specified in the final order. If the final order is  
23 appealed, the Comptroller may not issue a warrant for a refund  
24 to the qualified target industry business until the conclusion  
25 of all appeals of that order.

26 (6)~~(7)~~ ADMINISTRATION.--

27 (a) The office is authorized to verify information  
28 provided in any claim submitted for tax credits under this  
29 section with regard to employment and wage levels or the  
30 payment of the taxes to the appropriate agency or authority,  
31

1 including the Department of Revenue, the Department of Labor  
2 and Employment Security, or any local government or authority.

3 (b) To facilitate the process of monitoring and  
4 auditing applications made under this program, the office may  
5 provide a list of qualified target industry businesses to the  
6 Department of Revenue, to the Department of Labor and  
7 Employment Security, or to any local government or authority.  
8 The office may request the assistance of those entities with  
9 respect to monitoring the payment of the taxes listed in  
10 subsection (2)~~(3)~~.

11 (7)~~(8)~~ EXPIRATION.--This section expires June 30,  
12 2004.

13 Section 40. Subsection (11) of section 159.803,  
14 Florida Statutes, is amended to read:

15 159.803 Definitions.--As used in this part, the term:

16 (11) "Florida First Business project" means any  
17 project which is certified by the Office of Tourism, Trade,  
18 and Economic Development as eligible to receive an allocation  
19 from the Florida First Business allocation pool established  
20 pursuant to s. 159.8083. The Office of Tourism, Trade, and  
21 Economic Development may certify those projects meeting the  
22 criteria set forth in s. 288.106(3)~~(4)~~(b) or any project  
23 providing a substantial economic benefit to this state.

24 Section 41. Paragraph (e) of subsection (1),  
25 subsection (2), paragraphs (a) and (d) of subsection (4), and  
26 paragraph (b) of subsection (5) of section 288.107, Florida  
27 Statutes, are amended to read:

28 288.107 Brownfield redevelopment bonus refunds.--

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

30 (e) "Eligible business" means a qualified target  
31 industry business as defined in s. 288.106(1)~~(2)~~(o).

1           (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.--There  
2 shall be allowed from the account a bonus refund of \$2,500 to  
3 any qualified target industry business for each new Florida  
4 job created in a brownfield which is claimed on the qualified  
5 target industry business's annual refund claim authorized in  
6 s. 288.106(5)~~(6)~~and approved by the office as specified in  
7 the final order issued by the director.

8           (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS  
9 REFUNDS.--

10           (a) To be eligible to receive a bonus refund for new  
11 Florida jobs created in a brownfield, a business must have  
12 been certified as a qualified target industry business under  
13 s. 288.106 and must have indicated on the qualified target  
14 industry tax refund application form submitted in accordance  
15 with s. 288.106(3)~~(4)~~that the project for which the  
16 application is submitted is or will be located in a brownfield  
17 and that the business is applying for certification as a  
18 qualified brownfield business under this section, and must  
19 have signed a qualified target industry tax refund agreement  
20 with the office which indicates that the business has been  
21 certified as a qualified target industry business located in a  
22 brownfield and specifies the schedule of brownfield  
23 redevelopment bonus refunds that the business may be eligible  
24 to receive in each fiscal year.

25           (d) After entering into a tax refund agreement as  
26 provided in s. 288.106, an eligible business may receive  
27 brownfield redevelopment bonus refunds from the account  
28 pursuant to s. 288.106(2)~~(3)~~(c).

29           (5) ADMINISTRATION.--

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



1 provide a list of qualified target industry businesses to the  
2 Department of Revenue, to the Department of Labor and  
3 Employment Security, to the Department of Environmental  
4 Protection, or to any local government authority. The office  
5 may request the assistance of those entities with respect to  
6 monitoring the payment of the taxes listed in s.  
7 288.106(2)(3).

8 Section 42. Section 624.5105, Florida Statutes, is  
9 amended to read:

10 624.5105 Community contribution tax credit;  
11 ~~legislative findings; policy and purpose; authorization;~~  
12 ~~limitations; eligibility and application requirements;~~  
13 ~~administration; definitions; expiration.--~~

14 ~~(1) LEGISLATIVE FINDINGS.-- The Legislature finds that:~~

15 ~~(a) Conditions of blight, evidenced by extensive~~  
16 ~~deterioration of public and private facilities, abandonment of~~  
17 ~~sound structures, and high unemployment, exist in the counties~~  
18 ~~and municipalities, which conditions impede the conservation~~  
19 ~~and development of healthy, safe, and economically viable~~  
20 ~~communities.~~

21 ~~(b) The deterioration of housing and industrial,~~  
22 ~~commercial, and public facilities contributes to the decline~~  
23 ~~of neighborhoods and communities and leads to the loss of~~  
24 ~~their historic character and the sense of community which this~~  
25 ~~inspires; reduces the value of property comprising the tax~~  
26 ~~base of local communities; discourages private investment; and~~  
27 ~~requires a disproportionate expenditure of public funds for~~  
28 ~~the social services, unemployment benefits, and police~~  
29 ~~protection required to combat the social and economic problems~~  
30 ~~found in slum communities.~~

31

1           ~~(c) In order to ultimately restore social and economic~~  
2 ~~viability to enterprise zones, it is necessary to renovate or~~  
3 ~~construct new housing, water and sewer infrastructure, and~~  
4 ~~transportation facilities and to specifically provide~~  
5 ~~mechanisms to attract and encourage private economic activity.~~

6           ~~(d) The various local governments and other~~  
7 ~~redevelopment organizations now undertaking physical~~  
8 ~~revitalization projects are limited by tightly constrained~~  
9 ~~budgets and inadequate resources.~~

10           ~~(e) In order to significantly improve revitalization~~  
11 ~~efforts by local governments and community development~~  
12 ~~organizations and to retain as much of the historic character~~  
13 ~~of our communities as possible, it is necessary to provide~~  
14 ~~additional resources, and the participation of private~~  
15 ~~enterprise in revitalization efforts is an effective means for~~  
16 ~~accomplishing that goal.~~

17           ~~(2) POLICY AND PURPOSE.--It is the policy of this~~  
18 ~~state to encourage the participation of insurers in~~  
19 ~~revitalization projects undertaken by public redevelopment~~  
20 ~~organizations. The purpose of this section is to provide an~~  
21 ~~incentive for such participation by granting partial state~~  
22 ~~insurance premium tax credits to insurers that contribute~~  
23 ~~resources to public redevelopment organizations for the~~  
24 ~~revitalization of enterprise zones for the benefit of~~  
25 ~~low-income and moderate-income persons or to preserve existing~~  
26 ~~historically significant properties within enterprise zones to~~  
27 ~~the greatest extent possible. The Legislature thus declares~~  
28 ~~such purpose a public purpose for which public money may be~~  
29 ~~borrowed, expended, loaned, and granted.~~

30           ~~(1)(3) AUTHORIZATION TO GRANT TAX CREDITS;~~  
31 ~~LIMITATIONS.--~~

1           (a) ~~Beginning July 1, 1995,~~There shall be allowed a  
2 credit of 50 percent of a community contribution against any  
3 tax due for a calendar year under s. 624.509 or s. 624.510.

4           (b) No insurer shall receive more than \$200,000 in  
5 annual tax credits for all approved community contributions  
6 made in any one year.

7           (c) The total amount of tax credit which may be  
8 granted for all programs approved under this section and s.  
9 220.183 is \$10 million annually.

10          (d) Each proposal for the granting of such tax credit  
11 requires the prior approval of the director.

12          (e) If the credit granted pursuant to this section is  
13 not fully used in any one year because of insufficient tax  
14 liability on the part of the insurer, the unused amount may be  
15 carried forward for a period not to exceed 5 years. The  
16 carryover credit may be used in a subsequent year when the tax  
17 imposed by s. 624.509 or s. 624.510 for such year exceeds the  
18 credit under this section for such year.

19           (2)~~(4)~~ ELIGIBILITY REQUIREMENTS.--

20          (a) Each community contribution by an insurer must be  
21 in a form specified in subsection(5)~~(7)~~.

22          (b) Each community contribution must be reserved  
23 exclusively for use in a project.

24          (c) The project must be undertaken by an "eligible  
25 sponsor," which term is defined as:

- 26           1. A community action program;  
27           2. A community development corporation;  
28           3. A neighborhood housing services corporation;  
29           4. A local housing authority created pursuant to  
30 chapter 421;  
31

1           5. A community redevelopment agency created pursuant  
2 to s. 163.356;

3           6. The Florida Industrial Development Corporation;

4           7. A historic preservation district agency or  
5 organization;

6           8. A private industry council;

7           9. An enterprise zone development agency created  
8 pursuant to s. 290.0057; or

9           10. Such other agency as the director may, from time  
10 to time, designate by rule.

11

12 In no event shall a contributing insurer have a financial  
13 interest in the eligible sponsor.

14           (d) The project shall be located in an area designated  
15 as an enterprise zone pursuant to s. 290.0065. Any project  
16 designed to construct or rehabilitate low-income housing is  
17 exempt from the area requirement of this paragraph.

18           (3)~~(5)~~ APPLICATION REQUIREMENTS.--

19           (a) Any eligible sponsor wishing to participate in  
20 this program must submit a proposal to the Office of Tourism,  
21 Trade, and Economic Development which sets forth the sponsor,  
22 the project, the area in which the project is located, and  
23 such supporting information as may be prescribed by rule. The  
24 proposal shall also contain a resolution from the local  
25 governmental unit in which the proposed project is located  
26 certifying that the project is consistent with local plans and  
27 regulations.

28           (b)1. Any insurer wishing to participate in this  
29 program must submit an application for tax credit to the  
30 office which sets forth the sponsor; the project; and the  
31 type, value, and purpose of the contribution. The sponsor must

1 verify, in writing, the terms of the application and indicate  
2 its willingness to receive the contribution, which  
3 verification must accompany the application for tax credit.

4 2. The insurer must submit a separate application for  
5 tax credit for each individual contribution which it proposes  
6 to contribute to each individual project.

7 (4)~~(6)~~ ADMINISTRATION.--

8 (a)1. The Office of Tourism, Trade, and Economic  
9 Development is authorized to adopt all rules necessary to  
10 administer this section, including rules for the approval or  
11 disapproval of proposals by insurers.

12 2. The decision of the director shall be in writing,  
13 and, if approved, the proposal shall state the maximum credit  
14 allowable to the insurer. A copy of the decision shall be  
15 transmitted to the executive director of the Department of  
16 Revenue, who shall apply such credit to the tax liability of  
17 the insurer.

18 3. The office shall monitor all projects periodically,  
19 in a manner consistent with available resources to ensure that  
20 resources are utilized in accordance with this section;  
21 however, each project shall be reviewed no less frequently  
22 than once every 2 years.

23 (b) The Department of Revenue shall adopt any rules  
24 necessary to ensure the orderly implementation and  
25 administration of this section.

26 (5)~~(7)~~ DEFINITIONS.--For the purpose of this section:

27 (a) "Community contribution" means the grant by an  
28 insurer of any of the following items:

- 29 1. Cash or other liquid assets.
- 30 2. Real property.
- 31 3. Goods or inventory.

1           4. Other physical resources which are identified by  
2 the department.

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

5           (c) "Local government" means any county or  
6 incorporated municipality in the state.

7           (d) "Office" means the Office of Tourism, Trade, and  
8 Economic Development.

9           (e) "Project" means any activity undertaken by an  
10 eligible sponsor, as defined in subsection (2)~~(4)~~, which is  
11 designed to construct, improve, or substantially rehabilitate  
12 housing or commercial, industrial, or public resources and  
13 facilities or to improve entrepreneurial and job-development  
14 opportunities for low-income persons.

15           ~~(6)~~~~(8)~~ EXPIRATION.--The provisions of this section,  
16 except paragraph (1)~~(3)~~(e), shall expire and be void on June  
17 30, 2005.

18           Section 43. This act shall take effect July 1, 2000.

19  
20           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21           COMMITTEE SUBSTITUTE FOR  
22           SB 1772

23 Changes the effective date from "upon becoming a law" to "July  
24 1, 2000".