

1
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6 impliedly repealed or superseded; repealing s.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. 220.18, F.S.,
7 relating to the gasohol development tax
8 incentive credit; repealing ss. 193.076,
9 193.085(5), and 195.073(4), F.S., relating to
10 notice of expansion, assessment of
11 expansion-related or rebuilt property, and
12 classification of property as prior existing or
13 expanded or rebuilt, respectively, to conform;
14 amending s. 193.077, F.S.; conforming a
15 cross-reference; amending s. 220.183, F.S.;
16 deleting findings and policy and purpose
17 provisions in provisions governing the
18 community contribution tax credit; conforming
19 cross-references; repealing s. 220.185(1) and
20 (2), F.S., relating to findings and policy and
21 purpose provisions in provisions governing the
22 state housing tax credit; repealing s. 220.188,
23 F.S., relating to the export finance
24 corporation investment credit; amending s.
25 220.02, F.S., and repealing subsections (6) and
26 (9), relating to intent with respect to the
27 gasohol development tax incentive credit and
28 the export finance corporation investment
29 credit; removing cross-references, to conform;
30 amending ss. 220.181, 220.182, 220.184,
31 220.1845, 220.1895, and 220.19, F.S.;

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

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (3) of section 193.621, Florida
21 Statutes, is repealed.

22 Section 2. Section 197.448, Florida Statutes, is
23 repealed.

24 Section 3. Subsection (11) of section 199.052, Florida
25 Statutes, is repealed.

26 Section 4. Section 206.435, Florida Statutes, is
27 repealed.

28 Section 5. Section 206.97, Florida Statutes, is
29 amended to read:

30 206.97 Applicability of specified sections of part
31 I.--The provisions of ss. 206.01, 206.02, 206.026, 206.027,

1 206.028, 206.04, 206.051, 206.052, 206.054, 206.055, 206.07,
2 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,
3 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,
4 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,
5 206.23, 206.24, 206.25, 206.27, 206.28, 206.41, 206.416,
6 206.43, ~~206.435~~, 206.44, 206.48, 206.49, 206.56, 206.59,
7 206.606, 206.608, 206.61, and 206.62 of part I of this chapter
8 shall, as far as lawful or practicable, be applicable to the
9 tax herein levied and imposed and to the collection thereof as
10 if fully set out in this part. However, no provision of any
11 such section shall apply if it conflicts with any provision of
12 this part.

13 Section 6. Paragraph (c) of subsection (3) of section
14 206.9935, Florida Statutes, is repealed.

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

17 211.025 Gas production tax; basis and rate of tax.--An
18 excise tax is hereby levied upon every person who severs gas
19 in the state for sale, transport, profit, or commercial use.
20 Except as otherwise provided in this part, the tax shall be
21 levied on the basis of the entire production of gas in this
22 state, including any royalty interest. Such tax shall accrue
23 at the time the gas is severed and shall be a lien on
24 production regardless of the place of sale, to whom sold, or
25 by whom used and regardless of the fact that delivery of the
26 gas may be made outside the state.

27 (1) The amount of tax shall be determined by the
28 volume, in mcf, of gas produced and sold or used by a producer
29 during the month, measured at the point where the gas is
30 identifiable as to kind and quality and is capable of being
31

1 transported for further use or processing, subject to the gas
2 tax rate established in this section.~~following rates:~~

3 ~~(a) For the period July 1, 1986, through June 30,~~
4 ~~1987, the gas tax rate shall be \$0.162 per mcf; and,~~

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

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

11 211.026 Sulfur production tax; basis and rate of
12 tax.--An excise tax is hereby levied upon every person who
13 severs sulfur in this state for sale, transport, storage,
14 profit, or commercial use. Except as otherwise provided in
15 this part, such tax shall be levied on the basis of the entire
16 production of sulfur in this state, including any royalty
17 interest. Such tax shall accrue at the time of severance of
18 the gas from which the sulfur is produced and shall be a lien
19 on production regardless of the place of sale, to whom sold,
20 or by whom used and regardless of the fact that delivery may
21 be made outside the state.

22 (1) The amount of tax shall be determined by the long
23 tons of sulfur produced or recovered by a producer during the
24 month from the hydrogen sulfide gas contained in oil or gas
25 production from a well, measured at the point where the sulfur
26 is in its molten, elemental state, and is capable of being
27 sold, delivered, transported, or stored, subject to the sulfur
28 tax rate established in this section.~~following rates:~~

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

31

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

6 Section 9. Paragraph (g) of subsection (3) of section
7 212.0305, Florida Statutes, is repealed.

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

10 213.015 Taxpayer rights.--There is created a Florida
11 Taxpayer's Bill of Rights to guarantee that the rights,
12 privacy, and property of Florida taxpayers are adequately
13 safeguarded and protected during tax assessment, collection,
14 and enforcement processes administered under the revenue laws
15 of this state. The Taxpayer's Bill of Rights compiles, in one
16 document, brief but comprehensive statements which explain, in
17 simple, nontechnical terms, the rights and obligations of the
18 Department of Revenue and taxpayers. The rights afforded
19 taxpayers to assure that their privacy and property are
20 safeguarded and protected during tax assessment and collection
21 are available only insofar as they are implemented in other
22 parts of the Florida Statutes or rules of the Department of
23 Revenue. The rights so guaranteed Florida taxpayers in the
24 Florida Statutes and the departmental rules are:

25 (6) The right to be informed of impending collection
26 actions which require sale or seizure of property or freezing
27 of assets, except jeopardy assessments, and the right to at
28 least 30 days' notice in which to pay the liability or seek
29 further review (see ss. 198.20, 199.262, 201.16, 206.075,
30 206.24, 211.125(5), 212.03(5), 212.0305(3)(j)~~(k)~~, 212.04(7),
31 212.14(1), 213.73(3), 213.731, and 220.739).

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

3 212.04 Admissions tax; rate, procedure, enforcement.--

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

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

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

27 3. No tax shall be levied on an admission paid by a
28 student, or on the student's behalf, to any required place of
29 sport or recreation if the student's participation in the
30 sport or recreational activity is required as a part of a
31 program or activity sponsored by, and under the jurisdiction

1 of, the student's educational institution, provided his or her
2 attendance is as a participant and not as a spectator.

3 4. No tax shall be levied on admissions to the
4 National Football League championship game, on admissions to
5 any semifinal game or championship game of a national
6 collegiate tournament, or on admissions to a Major League
7 Baseball all-star game.

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

16 6. Also exempt from the tax imposed by this section to
17 the extent provided in this subparagraph are admissions to
18 live theater, live opera, or live ballet productions in this
19 state which are sponsored by an organization that has received
20 a determination from the Internal Revenue Service that the
21 organization is exempt from federal income tax under s.
22 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
23 the organization actively participates in planning and
24 conducting the event, is responsible for the safety and
25 success of the event, is organized for the purpose of
26 sponsoring live theater, live opera, or live ballet
27 productions in this state, has more than 10,000 subscribing
28 members and has among the stated purposes in its charter the
29 promotion of arts education in the communities which it
30 serves, and will receive at least 20 percent of the net
31 profits, if any, of the events which the organization sponsors

1 and will bear the risk of at least 20 percent of the losses,
2 if any, from the events which it sponsors if the organization
3 employs other persons as agents to provide services in
4 connection with a sponsored event. Prior to March 1 of each
5 year, such organization may apply to the department for a
6 certificate of exemption for admissions to such events
7 sponsored in this state by the organization during the
8 immediately following state fiscal year. The application shall
9 state the total dollar amount of admissions receipts collected
10 by the organization or its agents from such events in this
11 state sponsored by the organization or its agents in the year
12 immediately preceding the year in which the organization
13 applies for the exemption. Such organization shall receive the
14 exemption only to the extent of \$1.5 million multiplied by the
15 ratio that such receipts bear to the total of such receipts of
16 all organizations applying for the exemption in such year;
17 however, in no event shall such exemption granted to any
18 organization exceed 6 percent of such admissions receipts
19 collected by the organization or its agents in the year
20 immediately preceding the year in which the organization
21 applies for the exemption. Each organization receiving the
22 exemption shall report each month to the department the total
23 admissions receipts collected from such events sponsored by
24 the organization during the preceding month and shall remit to
25 the department an amount equal to 6 percent of such receipts
26 reduced by any amount remaining under the exemption. Tickets
27 for such events sold by such organizations shall not reflect
28 the tax otherwise imposed under this section.

29 7. Also exempt from the tax imposed by this section
30 are entry fees for participation in freshwater fishing
31 tournaments.

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

5 9. No tax shall be levied on admissions to any
6 postseason collegiate football game sanctioned by the National
7 Collegiate Athletic Association.

8 Section 12. Section 212.0599, Florida Statutes, is
9 repealed.

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

16 212.08 Sales, rental, use, consumption, distribution,
17 and storage tax; specified exemptions.--The sale at retail,
18 the rental, the use, the consumption, the distribution, and
19 the storage to be used or consumed in this state of the
20 following are hereby specifically exempt from the tax imposed
21 by this chapter.

22 (7) MISCELLANEOUS EXEMPTIONS.--

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

24 1. Subject to the provisions of subparagraph 4.,
25 charges for electricity or steam used to operate machinery and
26 equipment at a fixed location in this state when such
27 machinery and equipment is used to manufacture, process,
28 compound, produce, or prepare for shipment items of tangible
29 personal property for sale, or to operate pollution control
30 equipment, recycling equipment, maintenance equipment, or
31 monitoring or control equipment used in such operations are

1 exempt to the extent provided in this paragraph. If 75 percent
2 or more of the electricity or steam used at the fixed location
3 is used to operate qualifying machinery or equipment, 100
4 percent of the charges for electricity or steam used at the
5 fixed location are exempt. If less than 75 percent but 50
6 percent or more of the electricity or steam used at the fixed
7 location is used to operate qualifying machinery or equipment,
8 50 percent of the charges for electricity or steam used at the
9 fixed location are exempt. If less than 50 percent of the
10 electricity or steam used at the fixed location is used to
11 operate qualifying machinery or equipment, none of the charges
12 for electricity or steam used at the fixed location are
13 exempt.

14 2. This exemption applies only to industries
15 classified under SIC Industry Major Group Numbers 10, 12, 13,
16 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
17 35, 36, 37, 38, and 39 and Industry Group Number 212. As used
18 in this paragraph, "SIC" means those classifications contained
19 in the Standard Industrial Classification Manual, 1987, as
20 published by the Office of Management and Budget, Executive
21 Office of the President.

22 3. Possession by a seller of a written certification
23 by the purchaser, certifying the purchaser's entitlement to an
24 exemption permitted by this subsection, relieves the seller
25 from the responsibility of collecting the tax on the
26 nontaxable amounts, and the department shall look solely to
27 the purchaser for recovery of such tax if it determines that
28 the purchaser was not entitled to the exemption.

29 4. Such exemption shall be applied as follows:

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

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

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

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

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

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

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

23 ~~b. The first report shall be submitted no later than~~
24 ~~January 1, 1997, and must be conducted in such a manner as to~~
25 ~~specifically determine the number of companies within each SIC~~
26 ~~Industry Major Group receiving the exemption as of September~~
27 ~~1, 1996, and the number of individuals employed by companies~~
28 ~~within each SIC Industry Major Group receiving the exemption~~
29 ~~as of September 1, 1996.~~

30 b.e. The ~~second~~ report shall be submitted no later
31 than January 1, 2001, and must be comprehensive in scope, but,

1 at a minimum, must be conducted in such a manner as to
2 specifically determine the number of companies within each SIC
3 Industry Major Group receiving the exemption as of September
4 1, 2000, the number of individuals employed by companies
5 within each SIC Industry Major Group receiving the exemption
6 as of September 1, 2000, whether the change, if any, in such
7 number of companies or employees is attributable to the
8 exemption provided in this paragraph, whether it would be
9 sound public policy to continue or discontinue the exemption,
10 and the consequences of doing so.

11 c.d. The report ~~Both reports~~ shall be submitted to the
12 President of the Senate, the Speaker of the House of
13 Representatives, the Senate Minority Leader, and the House
14 Minority Leader.

15 Section 14. Section 414.029, Florida Statutes, is
16 amended to read:

17 414.029 WAGES Program Business Registry.--Each local
18 WAGES coalition created pursuant to s. 414.028 must establish
19 a business registry for business firms committed to assist in
20 the effort of finding jobs for WAGES Program participants.
21 Registered businesses agree to work with the coalition and to
22 hire WAGES Program participants to the maximum extent possible
23 consistent with the nature of their business. Each quarter,
24 the coalition must publish a list of businesses registered as
25 a prerequisite for receiving a tax exemption provided under s.
26 212.08(5)(b) or (7)(hh)(~~ii~~)and the number of jobs each has
27 provided for program participants.

28 Section 15. Section 212.097, Florida Statutes, is
29 amended to read:

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

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~~
4 ~~encourage economic expansion of new and existing businesses in~~
5 ~~urban high-crime areas of this state. Upon an affirmative~~
6 ~~showing by a business to the satisfaction of the Department of~~
7 ~~Revenue that the requirements of this section have been met,~~
8 ~~the business shall be allowed a credit against the tax~~
9 ~~remitted under this 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 52 through SIC 57 and SIC 59 (retail); SIC 422 (public
20 warehousing and storage); SIC 70 (hotels and other lodging
21 places); SIC 7391 (research and development); SIC 7992 (public
22 golf courses); and SIC 7996 (amusement parks). A call center
23 or similar customer service operation that services a
24 multistate market or international market is also an eligible
25 business. In addition, the Office of Tourism, Trade, and
26 Economic Development may, as part of its final budget request
27 submitted pursuant to s. 216.023, recommend additions to or
28 deletions from the list of standard industrial classifications
29 used to determine an eligible business, and the Legislature
30 may implement such recommendations. Excluded from eligible
31 receipts are receipts from retail sales, except such receipts

1 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other
2 lodging places classified in SIC 70, public golf courses in
3 SIC 7992, and amusement parks in SIC 7996. For purposes of
4 this paragraph, the term "predominantly" means that more than
5 50 percent of the business's gross receipts from all sources
6 is generated by those activities usually provided for
7 consideration by firms in the specified standard industrial
8 classification. The determination of whether the business is
9 located in a qualified high-crime area and the tier ranking of
10 that area must be based on the date of application for the
11 credit under this section. Commonly owned and controlled
12 entities are to be considered a single business entity.

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

24 (c) "New business" means any eligible business first
25 beginning operation on a site in a qualified high-crime area
26 and clearly separate from any other commercial or business
27 operation of the business entity within a qualified high-crime
28 area. A business entity that operated an eligible business
29 within a qualified high-crime area within the 48 months before
30 the period provided for application by subsection (2)~~(3)~~ is
31 not considered a new business.

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

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

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

11 2. Highest reported crime volume and rate of specific
12 property crimes such as business and residential burglary,
13 motor vehicle theft, and vandalism;

14 3. Highest percentage of reported index crimes that
15 are violent in nature;

16 4. Highest overall index crime volume for the area;
17 and

18 5. Highest overall index crime rate for the geographic
19 area.

20
21 Tier-one areas are ranked 1 through 5 and represent the
22 highest crime areas according to this ranking. Tier-two areas
23 are ranked 6 through 10 according to this ranking. Tier-three
24 areas are ranked 11 through 15. Notwithstanding this
25 definition, "qualified high-crime area" also means an area
26 that has been designated as a federal Empowerment Zone
27 pursuant to the Taxpayer Relief Act of 1997. Such a designated
28 area is ranked in tier three until the areas are reevaluated
29 by the Office of Tourism, Trade, and Economic Development.

30 (2)~~(3)~~ A new eligible business may apply for a tax
31 credit under this subsection once at any time during its first

1 year of operation. A new eligible business in a tier-one
2 qualified high-crime area which has at least 10 qualified
3 employees on the date of application shall receive a \$1,500
4 tax credit for each such employee. A new eligible business in
5 a tier-two qualified high-crime area which has at least 20
6 qualified employees on the date of application shall receive a
7 \$1,000 tax credit for each such employee. A new eligible
8 business in a tier-three qualified high-crime area which has
9 at least 30 qualified employees on the date of application
10 shall receive a \$500 tax credit for each such employee.

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

31

1 this subsection sooner than 12 months after the application
2 date for the credit under subsection (2)~~(3)~~.

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

17 ~~(5)~~~~(6)~~ To be eligible for a tax credit under
18 subsection (3)~~(4)~~, the number of qualified employees employed
19 1 year prior to the application date must be no lower than the
20 number of qualified employees on the application date on which
21 a credit under this section was based for any previous
22 application, including an application under subsection (2)
23 ~~(3)~~.

24 ~~(6)~~~~(7)~~ Any county or municipality, or a county and one
25 or more municipalities together, may apply to the Office of
26 Tourism, Trade, and Economic Development for the designation
27 of an area as a high-crime area after the adoption by the
28 governing body or bodies of a resolution that:

29 (a) Finds that a high-crime area exists in such county
30 or municipality, or in both the county and one or more
31 municipalities, which chronically exhibits extreme and

1 unacceptable levels of poverty, unemployment, physical
2 deterioration, and economic disinvestment;

3 (b) Determines that the rehabilitation, conservation,
4 or redevelopment, or a combination thereof, of such a
5 high-crime area is necessary in the interest of the health,
6 safety, and welfare of the residents of such county or
7 municipality, or such county and one or more municipalities;
8 and

9 (c) Determines that the revitalization of such a
10 high-crime area can occur if the public sector or private
11 sector can be induced to invest its own resources in
12 productive enterprises that build or rebuild the economic
13 viability of the area.

14 (7)~~(8)~~ The governing body of the entity nominating the
15 area shall provide to the Office of Tourism, Trade, and
16 Economic Development the following:

17 (a) The overall index crime rate for the geographic
18 area;

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

20 (c) The percentage of reported index crimes that are
21 violent in nature;

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

25 (e) The arrest rates within the geographic area for
26 violent crime and for such other crimes as drug sale, drug
27 possession, prostitution, disorderly conduct, vandalism, and
28 other public-order offenses.

29 (8)~~(9)~~ A municipality, or a county and one or more
30 municipalities together, may not nominate more than one
31

1 high-crime area. However, any county as defined by s.
2 125.011(1) may nominate no more than three high-crime areas.

3 (9)~~(10)~~ An area nominated by a county or municipality,
4 or a county and one or more municipalities together, for
5 designation as a high-crime area shall be eligible only if it
6 meets the following criteria:

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

10 (b) The selected area does not exceed the following
11 mileage limitation:

12 1. For communities having a total population of
13 150,000 persons or more, the selected area does not exceed 20
14 square miles.

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

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

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

24 (10)~~(11)~~(a) In order to claim this credit, an eligible
25 business must file under oath with the Office of Tourism,
26 Trade, and Economic Development a statement that includes the
27 name and address of the eligible business and any other
28 information that is required to process the application.

29 (b) Within 30 working days after receipt of an
30 application for credit, the Office of Tourism, Trade, and
31 Economic Development shall review the application to determine

1 whether it contains all the information required by this
2 subsection and meets the criteria set out in this section.
3 Subject to the provisions of paragraph (c), the Office of
4 Tourism, Trade, and Economic Development shall approve all
5 applications that contain the information required by this
6 subsection and meet the criteria set out in this section as
7 eligible to receive a credit.

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

21 ~~(11)(12)~~ If the application is insufficient to support
22 the credit authorized in this section, the Office of Tourism,
23 Trade, and Economic Development shall deny the credit and
24 notify the business of that fact. The business may reapply
25 for this credit within 3 months after such notification.

26 ~~(12)(13)~~ If the credit under this section is greater
27 than can be taken on a single tax return, excess amounts may
28 be taken as credits on any tax return submitted within 12
29 months after the approval of the application by the
30 department.

31

1 (13)~~(14)~~ It is the responsibility of each business to
2 affirmatively demonstrate to the satisfaction of the
3 Department of Revenue that it meets the requirements of this
4 section.

5 (14)~~(15)~~ Any person who fraudulently claims this
6 credit is liable for repayment of the credit plus a mandatory
7 penalty of 100 percent of the credit and is guilty of a
8 misdemeanor of the second degree, punishable as provided in s.
9 775.082 or s. 775.083.

10 (15)~~(16)~~ A corporation may take the credit under this
11 section against its corporate income tax liability, as
12 provided in s. 220.1895. However, a corporation that applies
13 its job tax credit against the tax imposed by chapter 220 may
14 not receive the credit provided for in this section. A credit
15 may be taken against only one tax.

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

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

23 Section 16. Section 212.098, Florida Statutes, is
24 amended to read:

25 212.098 Rural Job Tax Credit Program.--

26 ~~(1) It is the intent of the Legislature to encourage~~
27 ~~the provision of meaningful employment opportunities that will~~
28 ~~improve the quality of life of those employed and to encourage~~
29 ~~economic expansion of new and existing businesses in rural~~
30 ~~areas of this state. Upon an affirmative showing by a business~~
31 ~~to the satisfaction of the Department of Revenue that the~~

1 ~~requirements of this section have been met, the business shall~~
2 ~~be allowed a credit against the tax remitted under this~~
3 ~~chapter.~~

4 (1)~~(2)~~ As used in this section, the term:

5 (a) "Eligible business" means any sole proprietorship,
6 firm, partnership, or corporation that is located in a
7 qualified county and is predominantly engaged in, or is
8 headquarters for a business predominantly engaged in,
9 activities usually provided for consideration by firms
10 classified within the following standard industrial
11 classifications: SIC 01 through SIC 09 (agriculture,
12 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
13 SIC 422 (public warehousing and storage); SIC 70 (hotels and
14 other lodging places); SIC 7391 (research and development);
15 SIC 7992 (public golf courses); and SIC 7996 (amusement
16 parks). A call center or similar customer service operation
17 that services a multistate market or an international market
18 is also an eligible business. In addition, the Office of
19 Tourism, Trade, and Economic Development may, as part of its
20 final budget request submitted pursuant to s. 216.023,
21 recommend additions to or deletions from the list of standard
22 industrial classifications used to determine an eligible
23 business, and the Legislature may implement such
24 recommendations. Excluded from eligible receipts are receipts
25 from retail sales, except such receipts for hotels and other
26 lodging places classified in SIC 70, public golf courses in
27 SIC 7992, and amusement parks in SIC 7996. For purposes of
28 this paragraph, the term "predominantly" means that more than
29 50 percent of the business's gross receipts from all sources
30 is generated by those activities usually provided for
31 consideration by firms in the specified standard industrial

1 classification. The determination of whether the business is
2 located in a qualified county and the tier ranking of that
3 county must be based on the date of application for the credit
4 under this section. Commonly owned and controlled entities are
5 to be considered a single business entity.

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

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

20 1. Highest unemployment rate for the most recent
21 36-month period.

22 2. Lowest per capita income for the most recent
23 36-month period.

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

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

29
30 Tier-one qualified counties are those ranked 1 through 5 and
31 represent the state's least-developed counties according to

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

10 (d) "New business" means any eligible business first
11 beginning operation on a site in a qualified county and
12 clearly separate from any other commercial or business
13 operation of the business entity within a qualified county. A
14 business entity that operated an eligible business within a
15 qualified county within the 48 months before the period
16 provided for application by subsection (2)~~(3)~~ is not
17 considered a new business.

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

20 (2)~~(3)~~ A new eligible business may apply for a tax
21 credit under this subsection once at any time during its first
22 year of operation. A new eligible business in a tier-one
23 qualified county which has at least 10 qualified employees on
24 the date of application shall receive a \$1,500 tax credit for
25 each such employee. A new eligible business in a tier-two
26 qualified county which has at least 20 qualified employees on
27 the date of application shall receive a \$1,000 tax credit for
28 each such employee. A new eligible business in a tier-three
29 qualified county which has at least 30 qualified employees on
30 the date of application shall receive a \$500 tax credit for
31 each such employee.

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

22 ~~(4)(5)~~ For any new eligible business receiving a
23 credit pursuant to subsection~~(2)(3)~~, an additional \$500
24 credit shall be provided for any qualified employee who is a
25 WAGES Program participant pursuant to chapter 414. For any
26 existing eligible business receiving a credit pursuant to
27 subsection~~(3)(4)~~, an additional \$500 credit shall be
28 provided for any qualified employee who is a WAGES Program
29 participant pursuant to chapter 414. Such employee must be
30 employed on the application date and have been employed less
31 than 1 year. This credit shall be in addition to other credits

1 pursuant to this section regardless of the tier-level of the
2 county. Appropriate documentation concerning the eligibility
3 of an employee for this credit must be submitted as determined
4 by the department.

5 (5)~~(6)~~ To be eligible for a tax credit under
6 subsection(3)~~(4)~~, the number of qualified employees employed
7 1 year prior to the application date must be no lower than the
8 number of qualified employees on the application date on which
9 a credit under this section was based for any previous
10 application, including an application under subsection(2)
11 ~~(3)~~.

12 (6)~~(7)~~(a) In order to claim this credit, an eligible
13 business must file under oath with the Office of Tourism,
14 Trade, and Economic Development a statement that includes the
15 name and address of the eligible business, the starting salary
16 or hourly wages paid to the new employee, and any other
17 information that the Department of Revenue requires.

18 (b) Within 30 working days after receipt of an
19 application for credit, the Office of Tourism, Trade, and
20 Economic Development shall review the application to determine
21 whether it contains all the information required by this
22 subsection and meets the criteria set out in this section.
23 Subject to the provisions of paragraph (c), the Office of
24 Tourism, Trade, and Economic Development shall approve all
25 applications that contain the information required by this
26 subsection and meet the criteria set out in this section as
27 eligible to receive a credit.

28 (c) The maximum credit amount that may be approved
29 during any calendar year is \$5 million. The Department of
30 Revenue, in conjunction with the Office of Tourism, Trade, and
31 Economic Development, shall notify the governing bodies in

1 areas designated as qualified counties when the \$5 million
2 maximum amount has been reached. Applications must be
3 considered for approval in the order in which they are
4 received without regard to whether the credit is for a new or
5 existing business. This limitation applies to the value of
6 the credit as contained in approved applications. Approved
7 credits may be taken in the time and manner allowed pursuant
8 to this section.

9 (7)~~(8)~~ If the application is insufficient to support
10 the credit authorized in this section, the Office of Tourism,
11 Trade, and Economic Development shall deny the credit and
12 notify the business of that fact. The business may reapply
13 for this credit within 3 months after such notification.

14 (8)~~(9)~~ If the credit under this section is greater
15 than can be taken on a single tax return, excess amounts may
16 be taken as credits on any tax return submitted within 12
17 months after the approval of the application by the
18 department.

19 (9)~~(10)~~ It is the responsibility of each business to
20 affirmatively demonstrate to the satisfaction of the
21 Department of Revenue that it meets the requirements of this
22 section.

23 (10)~~(11)~~ Any person who fraudulently claims this
24 credit is liable for repayment of the credit plus a mandatory
25 penalty of 100 percent of the credit and is guilty of a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 (11)~~(12)~~ A corporation may take the credit under this
29 section against its corporate income tax liability, as
30 provided in s. 220.1895. However, a corporation that uses its
31 job tax credit against the tax imposed by chapter 220 may not

1 receive the credit provided for in this section. A credit may
2 be taken against only one tax.

3 ~~(12)(13)~~ The department shall adopt rules governing
4 the manner and form of applications for credit and may
5 establish guidelines as to the requisites for an affirmative
6 showing of qualification for the credit under this section.

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

9 Section 17. Subsection (7) of section 212.20, Florida
10 Statutes, is repealed.

11 Section 18. Section 212.215, Florida Statutes, is
12 repealed.

13 Section 19. Section 213.01, Florida Statutes, is
14 repealed.

15 Section 20. Section 213.065, Florida Statutes, is
16 repealed.

17 Section 21. Section 213.066, Florida Statutes, is
18 repealed.

19 Section 22. Section 215.3208, Florida Statutes, is
20 amended to read:

21 215.3208 Trust funds; ~~schedule for termination;~~
22 legislative review.--

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

29 ~~(a) In 1994:~~

30 ~~1. Department of Corrections.~~

31 ~~2. Department of Highway Safety and Motor Vehicles.~~

- 1 ~~3. Department of Law Enforcement.~~
- 2 ~~4. Department of Legal Affairs.~~
- 3 ~~5. Department of the Lottery.~~
- 4 ~~6. Department of Management Services.~~
- 5 ~~7. Department of Military Affairs.~~
- 6 ~~8. Department of Transportation.~~
- 7 ~~9. Game and Fresh Water Fish Commission.~~
- 8 ~~10. Judicial branch.~~
- 9 ~~11. Justice Administrative Commission.~~
- 10 ~~12. Parole Commission.~~
- 11 ~~(b) In 1995:~~
- 12 ~~1. Department of Agriculture and Consumer Services.~~
- 13 ~~2. Department of Banking and Finance.~~
- 14 ~~3. Department of Citrus.~~
- 15 ~~4. Department of Education.~~
- 16 ~~5. Department of Environmental Protection.~~
- 17 ~~6. Department of Revenue.~~
- 18 ~~7. Executive Office of the Governor.~~
- 19 ~~8. Florida Public Service Commission.~~
- 20 ~~(c) In 1996:~~
- 21 ~~1. Agency for Health Care Administration.~~
- 22 ~~2. Commission on Ethics.~~
- 23 ~~3. Department of Business and Professional Regulation.~~
- 24 ~~4. Department of Children and Family Services.~~
- 25 ~~5. Department of Commerce.~~
- 26 ~~6. Department of Community Affairs.~~
- 27 ~~7. Department of Elderly Affairs.~~
- 28 ~~8. Department of Health.~~
- 29 ~~9. Department of Insurance.~~
- 30 ~~10. Department of Juvenile Justice.~~
- 31 ~~11. Department of Labor and Employment Security.~~

1 ~~12. Department of State.~~

2 ~~13. Department of Veterans' Affairs.~~

3 ~~14. Legislative branch.~~

4 ~~(2) All other trust funds not administered by the~~
5 ~~entities listed in subsection (1) and not exempt from~~
6 ~~automatic termination pursuant to the provisions of s.~~
7 ~~19(f)(3), Art. III of the State Constitution shall be reviewed~~
8 ~~and may be terminated or re-created by the Legislature, as~~
9 ~~appropriate, during the 1996 Regular Session of the~~
10 ~~Legislature.~~

11 (1)(3) For the purpose of reviewing trust funds prior
12 to their automatic termination pursuant to the provisions of
13 s. 19(f)(2), Art. III of the State Constitution ~~purposes of~~
14 ~~this section~~, the Legislature shall review the trust funds as
15 they are identified by a unique 6-digit code in the Florida
16 Accounting Information Resource Subsystem at a level composed
17 of the 2-digit organization level 1, the 1-digit state fund
18 type 2, and the first three digits of the fund identifier.
19 When a statutorily created trust fund that was in existence on
20 November 4, 1992, has more than one 6-digit code, the
21 Legislature may treat it as a single trust fund for the
22 purposes of this section. The Legislature may also conduct its
23 review concerning accounts within such trust funds.

24 (2)(4)(a) When the Legislature terminates a trust
25 fund, the agency or branch of state government that
26 administers the trust fund shall pay any outstanding debts or
27 obligations of the trust fund as soon as practicable, and the
28 Comptroller shall close out and remove the trust fund from the
29 various state accounting systems, using generally accepted
30 accounting principles concerning assets, liabilities, and
31 warrants outstanding.

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

6 Section 23. Section 220.18, Florida Statutes, is
7 repealed.

8 Section 24. Section 193.076, subsection (5) of section
9 193.085, and subsection (4) of section 195.073, Florida
10 Statutes, are repealed.

11 Section 25. Subsection (3) of section 193.077, Florida
12 Statutes, is amended to read:

13 193.077 Notice of new, rebuilt, or expanded
14 property.--

15 (3) Within 10 days of extension or recertification of
16 the assessment rolls pursuant to s. 193.122, whichever is
17 later, the property appraiser shall forward to the department
18 a list of all property of new businesses and property
19 separately assessed as expansion-related or rebuilt property
20 pursuant to s. 193.085(5)(6)(a). The list shall include the
21 name and address of the business to which the property is
22 assessed, the assessed value of the property, the total taxes
23 levied against the property, the identifying number for the
24 property as shown on the assessment roll, and a description of
25 the property.

26 Section 26. Section 220.183, Florida Statutes, is
27 amended to read:

28 220.183 Community contribution tax credit.--

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

30 ~~(a) There exist in the counties and municipalities~~
31 ~~conditions of blight evidenced by extensive deterioration of~~

1 ~~public and private facilities, abandonment of sound~~
2 ~~structures, and high unemployment which conditions impede the~~
3 ~~conservation and development of healthy, safe, and~~
4 ~~economically viable communities.~~

5 ~~(b) Deterioration of housing and industrial,~~
6 ~~commercial, and public facilities contributes to the decline~~
7 ~~of neighborhoods and communities and leads to the loss of~~
8 ~~their historic character and the sense of community which this~~
9 ~~inspires; reduces the value of property comprising the tax~~
10 ~~base of local communities; discourages private investment; and~~
11 ~~requires a disproportionate expenditure of public funds for~~
12 ~~the social services, unemployment benefits, and police~~
13 ~~protection required to combat the social and economic problems~~
14 ~~found in slum communities.~~

15 ~~(c) In order to ultimately restore social and economic~~
16 ~~viability to enterprise zones, it is necessary to renovate or~~
17 ~~construct new housing, water and sewer infrastructure, and~~
18 ~~transportation facilities and to specifically provide~~
19 ~~mechanisms to attract and encourage private economic activity.~~

20 ~~(d) The various local governments and other~~
21 ~~redevelopment organizations now undertaking physical~~
22 ~~revitalization projects are limited by tightly constrained~~
23 ~~budgets and inadequate resources.~~

24 ~~(e) In order to significantly improve revitalization~~
25 ~~efforts by local governments and community development~~
26 ~~organizations and to retain as much of the historic character~~
27 ~~of our communities as possible, it is necessary to provide~~
28 ~~additional resources, and the participation of private~~
29 ~~enterprise in revitalization efforts is an effective means for~~
30 ~~accomplishing that goal.~~

31

1 ~~(2) POLICY AND PURPOSE.--It is the policy of this~~
2 ~~state to encourage the participation of private corporations~~
3 ~~in revitalization projects undertaken by public redevelopment~~
4 ~~organizations. The purpose of this section is to provide an~~
5 ~~incentive for such participation by granting partial state~~
6 ~~income tax credits to corporations that contribute resources~~
7 ~~to public redevelopment organizations for the revitalization~~
8 ~~of enterprise zones for the benefit of low-income and~~
9 ~~moderate-income persons or to preserve existing historically~~
10 ~~significant properties within enterprise zones to the greatest~~
11 ~~extent possible. The Legislature thus declares this a public~~
12 ~~purpose for which public money may be borrowed, expended,~~
13 ~~loaned, and granted.~~

14 (1)~~(3)~~ AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION
15 TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
16 SPENDING.--

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

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

23 (c) The total amount of tax credit which may be
24 granted for all programs approved under this section and s.
25 624.5105 is \$10 million annually.

26 (d) All proposals for the granting of the tax credit
27 shall require the prior approval of the Office of Tourism,
28 Trade, and Economic Development.

29 (e) If the credit granted pursuant to this section is
30 not fully used in any one year because of insufficient tax
31 liability on the part of the business firm, the unused amount

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

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

10 (g) A taxpayer who is eligible to receive the credit
11 provided for in s. 624.5105 is not eligible to receive the
12 credit provided by this section.

13 (2)~~(4)~~ ELIGIBILITY REQUIREMENTS.--

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

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

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

- 20 1. A community action program;
- 21 2. A community development corporation;
- 22 3. A neighborhood housing services corporation;
- 23 4. A local housing authority, created pursuant to
24 chapter 421;
- 25 5. A community redevelopment agency, created pursuant
26 to s. 163.356;
- 27 6. The Florida Industrial Development Corporation;
- 28 7. An historic preservation district agency or
29 organization;
- 30 8. A private industry council;
- 31

1 9. A direct-support organization as provided in s.
2 240.551;

3 10. An enterprise zone development agency created
4 pursuant to s. 290.0057; or

5 11. Such other agency as the Office of Tourism, Trade,
6 and Economic Development may, from time to time, designate by
7 rule.

8
9 In no event shall a contributing business firm have a
10 financial interest in the eligible sponsor.

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

15 (3)~~(5)~~ APPLICATION REQUIREMENTS.--

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

24 (b) Any business wishing to participate in this
25 program must submit an application for tax credit to the
26 Office of Tourism, Trade, and Economic Development, which
27 application sets forth the sponsor; the project; and the type,
28 value, and purpose of the contribution. The sponsor shall
29 verify the terms of the application and indicate its
30 willingness to receive the contribution, which verification
31 indicate its willingness to receive the contribution, which

1 verification shall be in writing and shall accompany the
2 application for tax credit.

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

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

7 (a) The Office of Tourism, Trade, and Economic
8 Development has authority to adopt rules pursuant to ss.
9 120.536(1) and 120.54 to implement the provisions of this
10 section, including rules for the approval or disapproval of
11 proposals by business firms.

12 (b) The decision of the Office of Tourism, Trade, and
13 Economic Development shall be in writing, and, if approved,
14 the proposal shall state the maximum credit allowable to the
15 business firm. A copy of the decision shall be transmitted to
16 the executive director of the Department of Revenue, who shall
17 apply such credit to the tax liability of the business firm.

18 (c) The Office of Tourism, Trade, and Economic
19 Development shall periodically monitor all projects in a
20 manner consistent with available resources to ensure that
21 resources are utilized in accordance with this section;
22 however, each project shall be reviewed no less often than
23 once every 2 years.

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

27 (5)~~(7)~~ EXPIRATION.--The provisions of this section,
28 except paragraph(1)~~(3)~~(e), shall expire and be void on June
29 30, 2005.

30 Section 27. Subsections (1) and (2) of section
31 220.185, Florida Statutes, are repealed.

1 Section 28. Section 220.188, Florida Statutes, is
2 repealed.

3 Section 29. Subsections (6) and (9) of section 220.02,
4 Florida Statutes, are repealed, and present subsection (10) of
5 that section is renumbered and amended to read:

6 220.02 Legislative intent.--

7 (8)~~(10)~~ It is the intent of the Legislature that
8 credits against either the corporate income tax or the
9 franchise tax be applied in the following order: those
10 enumerated in s. 220.68, ~~those enumerated in s. 220.18,~~ those
11 enumerated in s. 631.828, those enumerated in s. 220.191,
12 those enumerated in s. 220.181, those enumerated in s.
13 220.183, those enumerated in s. 220.182, those enumerated in
14 s. 220.1895, those enumerated in s. 221.02, those enumerated
15 in s. 220.184, those enumerated in s. 220.186, ~~those~~
16 ~~enumerated in s. 220.188,~~ those enumerated in s. 220.1845,
17 those enumerated in s. 220.19, and those enumerated in s.
18 220.185.

19 Section 30. Subsection (8) of section 220.02, Florida
20 Statutes, as renumbered by this act and amended by chapter
21 99-378, Laws of Florida, is amended to read:

22 220.02 Legislative intent.--

23 (8) It is the intent of the Legislature that credits
24 against either the corporate income tax or the franchise tax
25 be applied in the following order: ~~those enumerated in s.~~
26 ~~220.18,~~ those enumerated in s. 631.828, those enumerated in s.
27 220.191, those enumerated in s. 220.181, those enumerated in
28 s. 220.183, those enumerated in s. 220.182, those enumerated
29 in s. 220.1895, those enumerated in s. 221.02, those
30 enumerated in s. 220.184, those enumerated in s. 220.186,
31 ~~those enumerated in s. 220.188,~~ those enumerated in s.

1 220.1845, those enumerated in s. 220.19, and those enumerated
2 in s. 220.185.

3 Section 31. Paragraph (c) of subsection (1) of section
4 220.181, Florida Statutes, is amended to read:

5 220.181 Enterprise zone jobs credit.--

6 (1)

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

14 Section 32. Subsection (1) of section 220.182, Florida
15 Statutes, is amended to read:

16 220.182 Enterprise zone property tax credit.--

17 (1)(a) Beginning July 1, 1995, there shall be allowed
18 a credit against the tax imposed by this chapter to any
19 business which establishes a new business as defined in s.
20 220.03(1)(p)~~2~~, expands an existing business as defined in s.
21 220.03(1)(k)~~2~~, or rebuilds an existing business as defined in
22 s. 220.03(1)(u) in this state. The credit shall be computed
23 annually as ad valorem taxes paid in this state, in the case
24 of a new business; the additional ad valorem tax paid in this
25 state resulting from assessments on additional real or
26 tangible personal property acquired to facilitate the
27 expansion of an existing business; or the ad valorem taxes
28 paid in this state resulting from assessments on property
29 replaced or restored, in the case of a rebuilt business,
30 including pollution and waste control facilities, or any part

31

1 thereof, and including one or more buildings or other
2 structures, machinery, fixtures, and equipment.

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

15 Section 33. Subsection (3) of section 220.184, Florida
16 Statutes, is amended to read:

17 220.184 Hazardous waste facility tax credit.--

18 (3) If any credit granted pursuant to this section is
19 not fully used in the first year for which it becomes
20 available, the unused amount may be carried forward for a
21 period not to exceed 5 years. The carryover may be used in a
22 subsequent year when the tax imposed by this chapter for such
23 year exceeds the credit for such year under this section after
24 applying the other credits and unused credit carryovers in the
25 order provided in s. 220.02(8)(10).

26 Section 34. Paragraph (c) of subsection (1) of section
27 220.1845, Florida Statutes, is amended to read:

28 220.1845 Contaminated site rehabilitation tax
29 credit.--

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

31

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

10 Section 35. Section 220.1895, Florida Statutes, is
11 amended to read:

12 220.1895 Rural Job Tax Credit and Urban High-Crime
13 Area Job Tax Credit.--There shall be allowed a credit against
14 the tax imposed by this chapter amounts approved by the Office
15 of Tourism, Trade, and Economic Development pursuant to the
16 Rural Job Tax Credit Program in s. 212.098 and the Urban
17 High-Crime Area Job Tax Credit Program in s. 212.097. A
18 corporation that uses its credit against the tax imposed by
19 this chapter may not take the credit against the tax imposed
20 by chapter 212. If any credit granted under this section is
21 not fully used in the first year for which it becomes
22 available, the unused amount may be carried forward for a
23 period not to exceed 5 years. The carryover may be used in a
24 subsequent year when the tax imposed by this chapter for such
25 year exceeds the credit for such year under this section after
26 applying the other credits and unused credit carryovers in the
27 order provided in s. 220.02(8)~~(10)~~. The Office of Tourism,
28 Trade, and Economic Development shall conduct a review of the
29 Urban High-Crime Area Job Tax Credit and the Rural Job Tax
30 Credit Program and submit its report to the Governor, the
31

1 President of the Senate, and the Speaker of the House of
2 Representatives by February 1, 2000.

3 Section 36. Paragraph (e) of subsection (1) of section
4 220.19, Florida Statutes, is amended to read:

5 220.19 Child care tax credits.--

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

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

16 Section 37. Paragraphs (dd), (ee), and (ff) of
17 subsection (1) of section 220.03, Florida Statutes, are
18 repealed, and paragraphs (k), (p), and (t) of that subsection
19 are amended to read:

20 220.03 Definitions.--

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

25 ~~(k)1. "Expansion of an existing business," for the~~
26 ~~purposes of the gasohol development tax incentive credit,~~
27 ~~refers to capital investment in a productive business~~
28 ~~operation, not defined as a new business, which results in a~~
29 ~~net increase in the amount of real or tangible personal~~
30 ~~property owned by it or, in the case of government-owned real~~
31 ~~property, leased by it, for the purpose of engaging in the~~

1 ~~distillation of ethyl alcohol for use in motor fuels or in the~~
2 ~~manufacture of equipment for the processing and distillation~~
3 ~~of ethyl alcohol for use in motor fuels.~~

4 ~~2.~~ "Expansion of an existing business," for the
5 purposes of the enterprise zone property tax credit, means any
6 business entity authorized to do business in this state as
7 defined in paragraph (e), and any bank or savings and loan
8 association as defined in s. 220.62, subject to the tax
9 imposed by the provisions of this chapter, located in an
10 enterprise zone, which expands by or through additions to real
11 and personal property and which establishes five or more new
12 jobs to employ five or more additional full-time employees at
13 such location. The provisions of this paragraph ~~subparagraph~~
14 shall expire and be void on June 30, 2005.

15 ~~(p)i.~~ "New business," for the purposes of the gasoline
16 development tax incentive credit, means a productive business
17 operation, which heretofore did not exist in this state,
18 ~~engaged in the distillation of ethyl alcohol for use in motor~~
19 ~~fuels or in the manufacture of equipment for the processing~~
20 ~~and distillation of ethyl alcohol for use in motor fuels.~~

21 ~~2.~~ "New business," for the purposes of the enterprise
22 zone property tax credit, means any business entity authorized
23 to do business in this state as defined in paragraph (e), or
24 any bank or savings and loan association as defined in s.
25 220.62, subject to the tax imposed by the provisions of this
26 chapter, first beginning operations on a site located in an
27 enterprise zone and clearly separate from any other commercial
28 or industrial operations owned by the same entity, bank, or
29 savings and loan association and which establishes five or
30 more new jobs to employ five or more additional full-time
31

1 employees at such location. The provisions of this paragraph
2 ~~subparagraph~~ shall expire and be void on June 30, 2005.

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

10 Section 38. Section 288.106, Florida Statutes, is
11 amended to read:

12 288.106 Tax refund program for qualified target
13 industry businesses.--

14 ~~(1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The~~
15 ~~Legislature finds that attracting, retaining, and providing~~
16 ~~favorable conditions for the growth of target industries~~
17 ~~provides high-quality employment opportunities for citizens of~~
18 ~~this state and enhances the economic foundations of this~~
19 ~~state. It is the policy of this state to encourage the growth~~
20 ~~of a high-value-added employment and economic base by~~
21 ~~providing tax refunds to qualified target industry businesses~~
22 ~~that create new high-wage employment opportunities in this~~
23 ~~state by expanding existing businesses within this state or by~~
24 ~~bringing new businesses to this state.~~

25 (1)~~(2)~~ DEFINITIONS.--As used in this section:

26 (a) "Account" means the Economic Development
27 Incentives Account within the Economic Development Trust Fund
28 established under s. 288.095.

29 (b) "Average private sector wage in the area" means
30 the statewide private sector average wage or the average of
31

1 all private sector wages and salaries in the county or in the
2 standard metropolitan area in which the business is located.

3 (c) "Business" means an employing unit, as defined in
4 s. 443.036, which is registered with the Department of Labor
5 and Employment Security for unemployment compensation purposes
6 or a subcategory or division of an employing unit which is
7 accepted by the Department of Labor and Employment Security as
8 a reporting unit.

9 (d) "Corporate headquarters business" means an
10 international, national, or regional headquarters office of a
11 multinational or multistate business enterprise or national
12 trade association, whether separate from or connected with
13 other facilities used by such business.

14 (e) "Office" means the Office of Tourism, Trade, and
15 Economic Development.

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

18 (g) "Expansion of an existing business" means the
19 expansion of an existing Florida business by or through
20 additions to real and personal property, resulting in a net
21 increase in employment of not less than 10 percent at such
22 business.

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

24 (i) "Jobs" means full-time equivalent positions, as
25 such terms are consistent with terms used by the Department of
26 Labor and Employment Security and the United States Department
27 of Labor for purposes of unemployment compensation tax
28 administration and employment estimation, resulting directly
29 from a project in this state. This number shall not include
30 temporary construction jobs involved with the construction of
31 facilities for the project or any jobs which have previously

1 been included in any application for tax refunds under s.
2 288.104 or this section.

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

13 (k) "Local financial support exemption option" means
14 the option to exercise an exemption from the local financial
15 support requirement available to any applicant whose project
16 is located in a county with a population of 75,000 or fewer or
17 a county with a population of 100,000 or fewer which is
18 contiguous to a county with a population of 75,000 or fewer.
19 Any applicant that exercises this option shall not be eligible
20 for more than 80 percent of the total tax refunds allowed such
21 applicant under this section.

22 (l) "New business" means a business which heretofore
23 did not exist in this state, first beginning operations on a
24 site located in this state and clearly separate from any other
25 commercial or industrial operations owned by the same
26 business.

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

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

31

1 (o) "Target industry business" means a corporate
2 headquarters business or any business that is engaged in one
3 of the target industries identified pursuant to the following
4 criteria developed by the office in consultation with
5 Enterprise Florida, Inc.:

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

11 2. Stability.--The industry should not be subject to
12 periodic layoffs, whether due to seasonality or sensitivity to
13 volatile economic variables such as weather. The industry
14 should also be relatively resistant to recession, so that the
15 demand for products of this industry is not necessarily
16 subject to decline during an economic downturn.

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

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

22 5. Industrial base diversification and
23 strengthening.--The industry should contribute toward
24 expanding or diversifying the state's or area's economic base,
25 as indicated by analysis of employment and output shares
26 compared to national and regional trends. Special
27 consideration should be given to industries that strengthen
28 regional economies by adding value to basic products or
29 building regional industrial clusters as indicated by industry
30 analysis.

31

1 6. Economic benefits.--The industry should have strong
2 positive impacts on or benefits to the state and regional
3 economies.

4
5 The office, in consultation with Enterprise Florida, Inc.,
6 shall develop a list of such target industries annually and
7 submit such list as part of the final agency legislative
8 budget request submitted pursuant to s. 216.023(1). A target
9 industry business may not include any industry engaged in
10 retail activities; any electrical utility company; any
11 phosphate or other solid minerals severance, mining, or
12 processing operation; any oil or gas exploration or production
13 operation; or any firm subject to regulation by the Division
14 of Hotels and Restaurants of the Department of Business and
15 Professional Regulation.

16 (p) "Taxable year" means taxable year as defined in s.
17 220.03(1)(z).

18 (q) "Qualified target industry business" means a
19 target industry business that has been approved by the
20 director to be eligible for tax refunds pursuant to this
21 section.

22 (r) "Rural county" means a county with a population of
23 75,000 or fewer or a county with a population of 100,000 or
24 fewer which is contiguous to a county with a population of
25 75,000 or fewer.

26 (s) "Rural city" means a city with a population of
27 10,000 or less, or a city with a population of greater than
28 10,000 but less than 20,000 which has been determined by the
29 Office of Tourism, Trade, and Economic Development to have
30 economic characteristics such as, but not limited to, a
31 significant percentage of residents on public assistance, a

1 significant percentage of residents with income below the
2 poverty level, or a significant percentage of the city's
3 employment base in agriculture-related industries.

4 (t) "Rural community" means:

5 1. A county with a population of 75,000 or less.

6 2. A county with a population of 100,000 or less that
7 is contiguous to a county with a population of 75,000 or less.

8 3. A municipality within a county described in
9 subparagraph 1. or subparagraph 2.

10

11 For purposes of this paragraph, population shall be determined
12 in accordance with the most recent official estimate pursuant
13 to s. 186.901.

14 (u) "Authorized local economic development agency"
15 means any public or private entity, including those defined in
16 s. 288.075, authorized by a county or municipality to promote
17 the general business or industrial interests of that county or
18 municipality.

19 (2)~~(3)~~ TAX REFUND; ELIGIBLE AMOUNTS.--

20 (a) There shall be allowed, from the account, a refund
21 to a qualified target industry business for the amount of
22 eligible taxes certified by the director which were paid by
23 such business. The total amount of refunds for all fiscal
24 years for each qualified target industry business must be
25 determined pursuant to subsection (3)~~(4)~~. The annual amount
26 of a refund to a qualified target industry business must be
27 determined pursuant to subsection (5)~~(6)~~.

28 (b) Upon approval by the director, a qualified target
29 industry business shall be allowed tax refund payments equal
30 to \$3,000 times the number of jobs specified in the tax refund
31 agreement under subparagraph (4)~~(5)~~(a)1., or equal to \$6,000

1 times the number of jobs if the project is located in a rural
2 county or an enterprise zone. Further, a qualified target
3 industry business shall be allowed additional tax refund
4 payments equal to \$1,000 times the number of jobs specified in
5 the tax refund agreement under subparagraph~~(4)~~(5)(a)1., if
6 such jobs pay an annual average wage of at least 150 percent
7 of the average private-sector wage in the area, or equal to
8 \$2,000 times the number of jobs if such jobs pay an annual
9 average wage of at least 200 percent of the average
10 private-sector wage in the area. A qualified target industry
11 business may not receive refund payments of more than 25
12 percent of the total tax refunds specified in the tax refund
13 agreement under subparagraph~~(4)~~(5)(a)1. in any fiscal year.
14 Further, a qualified target industry business may not receive
15 more than \$1.5 million in refunds under this section in any
16 single fiscal year, or more than \$2.5 million in any single
17 fiscal year if the project is located in an enterprise zone. A
18 qualified target industry may not receive more than \$5 million
19 in refund payments under this section in all fiscal years, or
20 more than \$7.5 million if the project is located in an
21 enterprise zone. Funds made available pursuant to this section
22 may not be expended in connection with the relocation of a
23 business from one community to another community in this state
24 unless the Office of Tourism, Trade, and Economic Development
25 determines that without such relocation the business will move
26 outside this state or determines that the business has a
27 compelling economic rationale for the relocation and that the
28 relocation will create additional jobs.

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

31

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

5 a. Corporate income taxes under chapter 220.

6 b. Insurance premium tax under s. 624.509.

7 2. Receive refunds from the account for the following
8 taxes due and paid by that business after entering into the
9 agreement:

10 a. Taxes on sales, use, and other transactions under
11 chapter 212.

12 b. Intangible personal property taxes under chapter
13 199.

14 c. Emergency excise taxes under chapter 221.

15 d. Excise taxes on documents under chapter 201.

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

17 (d) However, a qualified target industry business may
18 not receive a refund under this section for any amount of
19 credit, refund, or exemption granted to that business for any
20 of such taxes. If a refund for such taxes is provided by the
21 office, which taxes are subsequently adjusted by the
22 application of any credit, refund, or exemption granted to the
23 qualified target industry business other than as provided in
24 this section, the business shall reimburse the account for the
25 amount of that credit, refund, or exemption. A qualified
26 target industry business shall notify and tender payment to
27 the office within 20 days after receiving any credit, refund,
28 or exemption other than one provided in this section.

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

31

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

5 2. Is guilty of a felony of the third degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (3)~~(4)~~ APPLICATION AND APPROVAL PROCESS.--

9 (a) To apply for certification as a qualified target
10 industry business under this section, the business must file
11 an application with the office before the business has made
12 the decision to locate a new business in this state or before
13 the business had made the decision to expand an existing
14 business in this state. The application shall include, but is
15 not limited to, the following information:

16 1. The applicant's federal employer identification
17 number and the applicant's state sales tax registration
18 number.

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

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

24 4. The number of full-time equivalent jobs in this
25 state that are or will be dedicated to the project and the
26 average wage of those jobs. If more than one type of business
27 activity or product is included in the project, the number of
28 jobs and average wage for those jobs must be separately stated
29 for each type of business activity or product.

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

1 6. The anticipated commencement date of the project.

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

5 8. An estimate of the proportion of the sales
6 resulting from the project that will be made outside this
7 state.

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

23 10. Any additional information requested by the
24 office.

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

28 1. The jobs proposed to be provided under the
29 application, pursuant to subparagraph (a)4., must pay an
30 estimated annual average wage equaling at least 115 percent of
31 the average private sector wage in the area where the business

1 is to be located or the statewide private sector average wage.
2 The office may waive this average wage requirement at the
3 request of the local governing body recommending the project
4 and Enterprise Florida, Inc. The wage requirement may only be
5 waived for a project located in a brownfield area designated
6 under s. 376.80 or in a rural city or county or in an
7 enterprise zone and only when the merits of the individual
8 project or the specific circumstances in the community in
9 relationship to the project warrant such action. If the local
10 governing body and Enterprise Florida, Inc., make such a
11 recommendation, it must be transmitted in writing and the
12 specific justification for the waiver recommendation must be
13 explained. If the director elects to waive the wage
14 requirement, the waiver must be stated in writing and the
15 reasons for granting the waiver must be explained.

16 2. The target industry business's project must result
17 in the creation of at least 10 jobs at such project and, if an
18 expansion of an existing business, must result in a net
19 increase in employment of not less than 10 percent at such
20 business. Notwithstanding the definition of the term
21 "expansion of an existing business" in paragraph~~(1)~~(2)(g), at
22 the request of the local governing body recommending the
23 project and Enterprise Florida, Inc., the office may define an
24 "expansion of an existing business" in a rural community or an
25 enterprise zone as the expansion of a business resulting in a
26 net increase in employment of less than 10 percent at such
27 business if the merits of the individual project or the
28 specific circumstances in the community in relationship to the
29 project warrant such action. If the local governing body and
30 Enterprise Florida, Inc., make such a request, it must be
31 transmitted in writing and the specific justification for the

1 request must be explained. If the director elects to grant
2 such request, such election must be stated in writing and the
3 reason for granting the request must be explained.

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

15 (c) Each application meeting the requirements of
16 paragraph (b) must be submitted to the office for
17 determination of eligibility. The office shall review and
18 evaluate each application based on, but not limited to, the
19 following criteria:

20 1. Expected contributions to the state strategic
21 economic development plan adopted by Enterprise Florida, Inc.,
22 taking into account the long-term effects of the project and
23 of the applicant on the state economy.

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

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

29 4. The local commitment and support for the project.
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1 5. The effect of the project on the local community,
2 taking into account the unemployment rate for the county where
3 the project will be located.

4 6. The effect of any tax refunds granted pursuant to
5 this section on the viability of the project and the
6 probability that the project will be undertaken in this state
7 if such tax refunds are granted to the applicant, taking into
8 account the expected long-term commitment of the applicant to
9 economic growth and employment in this state.

10 7. The expected long-term commitment to this state
11 resulting from the project.

12 8. A review of the business's past activities in this
13 state or other states, including whether such business has
14 been subjected to criminal or civil fines and penalties.
15 Nothing in this subparagraph shall require the disclosure of
16 confidential information.

17 (d) The office shall forward its written findings and
18 evaluation concerning each application meeting the
19 requirements of paragraph (b) to the director within 45
20 calendar days after receipt of a complete application. The
21 office shall notify each target industry business when its
22 application is complete, and of the time when the 45-day
23 period begins. In its written report to the director, the
24 office shall specifically address each of the factors
25 specified in paragraph (c) and shall make a specific
26 assessment with respect to the minimum requirements
27 established in paragraph (b). The office shall include in its
28 report projections of the tax refund claim that will be sought
29 by the target industry business in each fiscal year based on
30 the information submitted in the application.

31

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

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

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

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

31 ~~(4)~~(5) TAX REFUND AGREEMENT.--

1 (a) Each qualified target industry business must enter
2 into a written agreement with the office which specifies, at a
3 minimum:

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

13 2. The maximum amount of tax refunds which the
14 qualified target industry business is eligible to receive on
15 the project and the maximum amount of a tax refund that the
16 qualified target industry business is eligible to receive in
17 each fiscal year.

18 3. That the office may review and verify the financial
19 and personnel records of the qualified target industry
20 business to ascertain whether that business is in compliance
21 with this section.

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

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

1 (b) Compliance with the terms and conditions of the
2 agreement is a condition precedent for the receipt of a tax
3 refund each year. The failure to comply with the terms and
4 conditions of the tax refund agreement results in the loss of
5 eligibility for receipt of all tax refunds previously
6 authorized under this section and the revocation by the
7 director of the certification of the business entity as a
8 qualified target industry business.

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

14 (d) The agreement must contain the following legend,
15 clearly printed on its face in bold type of not less than 10
16 points in size: "This agreement is neither a general
17 obligation of the State of Florida, nor is it backed by the
18 full faith and credit of the State of Florida. Payment of tax
19 refunds are conditioned on and subject to specific annual
20 appropriations by the Florida Legislature of moneys sufficient
21 to pay amounts authorized in section 288.106, Florida
22 Statutes."

23 (5)~~(6)~~ ANNUAL CLAIM FOR REFUND.--

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

29 (b) The claim for refund by the qualified target
30 industry business must include a copy of all receipts
31 pertaining to the payment of taxes for which the refund is

1 sought and data related to achievement of each performance
2 item specified in the tax refund agreement. The amount
3 requested as a tax refund may not exceed the amount specified
4 for that fiscal year in that agreement.

5 (c) A tax refund may not be approved for a qualified
6 target industry business unless the required local financial
7 support has been paid into the account in that fiscal year. If
8 the local financial support provided is less than 20 percent
9 of the approved tax refund, the tax refund must be reduced. In
10 no event may the tax refund exceed an amount that is equal to
11 5 times the amount of the local financial support received.
12 Further, funding from local sources includes any tax abatement
13 granted to that business under s. 196.1995 or the appraised
14 market value of municipal or county land conveyed or provided
15 at a discount to that business. The amount of any tax refund
16 for such business approved under this section must be reduced
17 by the amount of any such tax abatement granted or the value
18 of the land granted; and the limitations in subsection~~(2)~~~~(3)~~
19 and paragraph~~(3)~~~~(4)~~(f) must be reduced by the amount of any
20 such tax abatement or the value of the land granted. A report
21 listing all sources of the local financial support shall be
22 provided to the office when such support is paid to the
23 account.

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

30 (e) The director, with such assistance as may be
31 required from the office, the Department of Revenue, or the

1 Department of Labor and Employment Security, shall specify by
2 written final order the amount of the tax refund that is
3 authorized for the qualified target industry business for the
4 fiscal year within 30 days after the date that the claim for
5 the annual tax refund is received by the office.

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

9 (g) Upon approval of the tax refund under paragraphs
10 (c), (d), and (e), the Comptroller shall issue a warrant for
11 the amount specified in the final order. If the final order is
12 appealed, the Comptroller may not issue a warrant for a refund
13 to the qualified target industry business until the conclusion
14 of all appeals of that order.

15 (6)~~(7)~~ ADMINISTRATION.--

16 (a) The office is authorized to verify information
17 provided in any claim submitted for tax credits under this
18 section with regard to employment and wage levels or the
19 payment of the taxes to the appropriate agency or authority,
20 including the Department of Revenue, the Department of Labor
21 and Employment Security, or any local government or authority.

22 (b) To facilitate the process of monitoring and
23 auditing applications made under this program, the office may
24 provide a list of qualified target industry businesses to the
25 Department of Revenue, to the Department of Labor and
26 Employment Security, or to any local government or authority.
27 The office may request the assistance of those entities with
28 respect to monitoring the payment of the taxes listed in
29 subsection (2)~~(3)~~.

30 (7)~~(8)~~ EXPIRATION.--This section expires June 30,
31 2004.

1 Section 39. Subsection (11) of section 159.803,
2 Florida Statutes, is amended to read:

3 159.803 Definitions.--As used in this part, the term:

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

12 Section 40. Paragraph (e) of subsection (1),
13 subsection (2), paragraphs (a) and (d) of subsection (4), and
14 paragraph (b) of subsection (5) of section 288.107, Florida
15 Statutes, are amended to read:

16 288.107 Brownfield redevelopment bonus refunds.--

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

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

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

27 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS
28 REFUNDS.--

29 (a) To be eligible to receive a bonus refund for new
30 Florida jobs created in a brownfield, a business must have
31 been certified as a qualified target industry business under

1 s. 288.106 and must have indicated on the qualified target
2 industry tax refund application form submitted in accordance
3 with s. 288.106(3)~~(4)~~ that the project for which the
4 application is submitted is or will be located in a brownfield
5 and that the business is applying for certification as a
6 qualified brownfield business under this section, and must
7 have signed a qualified target industry tax refund agreement
8 with the office which indicates that the business has been
9 certified as a qualified target industry business located in a
10 brownfield and specifies the schedule of brownfield
11 redevelopment bonus refunds that the business may be eligible
12 to receive in each fiscal year.

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

17 (5) ADMINISTRATION.--

18 (b) To facilitate the process of monitoring and
19 auditing applications made under this program, the office may
20 provide a list of qualified target industry businesses to the
21 Department of Revenue, to the Department of Labor and
22 Employment Security, to the Department of Environmental
23 Protection, or to any local government authority. The office
24 may request the assistance of those entities with respect to
25 monitoring the payment of the taxes listed in s.
26 288.106(2)~~(3)~~.

27 Section 41. Section 624.5105, Florida Statutes, is
28 amended to read:

29 624.5105 Community contribution tax credit;
30 ~~legislative findings; policy and purpose; authorization;~~

31

1 limitations; eligibility and application requirements;
2 administration; definitions; expiration.--

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

4 ~~(a) Conditions of blight, evidenced by extensive
5 deterioration of public and private facilities, abandonment of
6 sound structures, and high unemployment, exist in the counties
7 and municipalities, which conditions impede the conservation
8 and development of healthy, safe, and economically viable
9 communities.~~

10 ~~(b) The deterioration of housing and industrial,
11 commercial, and public facilities contributes to the decline
12 of neighborhoods and communities and leads to the loss of
13 their historic character and the sense of community which this
14 inspires; reduces the value of property comprising the tax
15 base of local communities; discourages private investment; and
16 requires a disproportionate expenditure of public funds for
17 the social services, unemployment benefits, and police
18 protection required to combat the social and economic problems
19 found in slum communities.~~

20 ~~(c) In order to ultimately restore social and economic
21 viability to enterprise zones, it is necessary to renovate or
22 construct new housing, water and sewer infrastructure, and
23 transportation facilities and to specifically provide
24 mechanisms to attract and encourage private economic activity.~~

25 ~~(d) The various local governments and other
26 redevelopment organizations now undertaking physical
27 revitalization projects are limited by tightly constrained
28 budgets and inadequate resources.~~

29 ~~(e) In order to significantly improve revitalization
30 efforts by local governments and community development
31 organizations and to retain as much of the historic character~~

1 ~~of our communities as possible, it is necessary to provide~~
2 ~~additional resources, and the participation of private~~
3 ~~enterprise in revitalization efforts is an effective means for~~
4 ~~accomplishing that goal.~~

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

18 ~~(1)(3) AUTHORIZATION TO GRANT TAX CREDITS;~~
19 ~~LIMITATIONS.--~~

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

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

26 (c) The total amount of tax credit which may be
27 granted for all programs approved under this section and s.
28 220.183 is \$10 million annually.

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

31

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

8 (2)~~(4)~~ ELIGIBILITY REQUIREMENTS.--

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

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

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

- 15 1. A community action program;
- 16 2. A community development corporation;
- 17 3. A neighborhood housing services corporation;
- 18 4. A local housing authority created pursuant to
19 chapter 421;
- 20 5. A community redevelopment agency created pursuant
21 to s. 163.356;
- 22 6. The Florida Industrial Development Corporation;
- 23 7. A historic preservation district agency or
24 organization;
- 25 8. A private industry council;
- 26 9. An enterprise zone development agency created
27 pursuant to s. 290.0057; or
- 28 10. Such other agency as the director may, from time
29 to time, designate by rule.

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1 In no event shall a contributing insurer have a financial
2 interest in the eligible sponsor.

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

7 (3)~~(5)~~ APPLICATION REQUIREMENTS.--

8 (a) Any eligible sponsor wishing to participate in
9 this program must submit a proposal to the Office of Tourism,
10 Trade, and Economic Development which sets forth the sponsor,
11 the project, the area in which the project is located, and
12 such supporting information as may be prescribed by rule. The
13 proposal shall also contain a resolution from the local
14 governmental unit in which the proposed project is located
15 certifying that the project is consistent with local plans and
16 regulations.

17 (b)1. Any insurer wishing to participate in this
18 program must submit an application for tax credit to the
19 office which sets forth the sponsor; the project; and the
20 type, value, and purpose of the contribution. The sponsor must
21 verify, in writing, the terms of the application and indicate
22 its willingness to receive the contribution, which
23 verification must accompany the application for tax credit.

24 2. The insurer must submit a separate application for
25 tax credit for each individual contribution which it proposes
26 to contribute to each individual project.

27 (4)~~(6)~~ ADMINISTRATION.--

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

1 2. The decision of the director shall be in writing,
2 and, if approved, the proposal shall state the maximum credit
3 allowable to the insurer. A copy of the decision shall be
4 transmitted to the executive director of the Department of
5 Revenue, who shall apply such credit to the tax liability of
6 the insurer.

7 3. The office shall monitor all projects periodically,
8 in a manner consistent with available resources to ensure that
9 resources are utilized in accordance with this section;
10 however, each project shall be reviewed no less frequently
11 than once every 2 years.

12 (b) The Department of Revenue shall adopt any rules
13 necessary to ensure the orderly implementation and
14 administration of this section.

15 (5)~~(7)~~ DEFINITIONS.--For the purpose of this section:

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

- 18 1. Cash or other liquid assets.
- 19 2. Real property.
- 20 3. Goods or inventory.
- 21 4. Other physical resources which are identified by

22 the department.

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

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

27 (d) "Office" means the Office of Tourism, Trade, and
28 Economic Development.

29 (e) "Project" means any activity undertaken by an
30 eligible sponsor, as defined in subsection (2)~~(4)~~, which is
31 designed to construct, improve, or substantially rehabilitate

1 housing or commercial, industrial, or public resources and
2 facilities or to improve entrepreneurial and job-development
3 opportunities for low-income persons.

4 (6)~~(8)~~ EXPIRATION.--The provisions of this section,
5 except paragraph(1)~~(3)~~(e), shall expire and be void on June
6 30, 2005.

7 Section 42. This act shall take effect July 1, 2000.

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