

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Prieguez offered the following:

13 **Substitute Amendment for Amendment (363161) (with title**
14 **amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Effective January 1, 2002, subsection (1)
19 of section 212.13, Florida Statutes, is amended to read:

20 212.13 Records required to be kept; power to inspect;
21 audit procedure.--

22 (1)(a) For the purpose of enforcing the collection of
23 the tax levied by this chapter, the department is hereby
24 specifically authorized and empowered to examine at all
25 reasonable hours the books, records, and other documents of
26 all transportation companies, agencies, or firms that conduct
27 their business by truck, rail, water, aircraft, or otherwise,
28 in order to determine what dealers, or other persons charged
29 with the duty to report or pay a tax under this chapter, are
30 importing or are otherwise shipping in articles or tangible
31 personal property which are liable for said tax. In the event

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1 said transportation company, agency, or firm refuses to permit
2 such examination of its books, records, or other documents by
3 the department as aforesaid, it is guilty of a misdemeanor of
4 the first degree, punishable as provided in s. 775.082 or s.
5 775.083. If, however, any subsequent offense involves
6 intentional destruction of such records with an intent to
7 evade payment of or deprive the state of any tax revenues,
8 such subsequent offense shall be a felony of the third degree,
9 punishable as provided in s. 775.082 or s. 775.083. The
10 department shall have the right to proceed in any chancery
11 court to seek a mandatory injunction or other appropriate
12 remedy to enforce its right against the offender, as granted
13 by this section, to require an examination of the books and
14 records of such transportation company or carrier.

15 (b) Each freight forwarder operating in this state
16 shall provide a warehouse receipt for any tangible personal
17 property received from any person for the purpose of
18 transporting such property outside this state by air or water.
19 The warehouse receipt shall be provided to the person who
20 engages the freight forwarder to arrange such transportation
21 at the time the tangible personal property is delivered to the
22 freight forwarder. The warehouse receipt shall contain the
23 name, address, and telephone number of the freight forwarder,
24 a preprinted warehouse receipt number, the date the property
25 was delivered to the freight forwarder, and a brief
26 description of the tangible personal property. Within 2 weeks
27 after the date the freight forwarder receives the airway bill
28 or bill of lading from the transportation company with whom
29 the freight forwarder has contracted to transport the tangible
30 personal property, the freight forwarder shall mail or deliver
31 the airway bill or bill of lading to the person for whom the

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1 freight forwarder arranged transportation of the tangible
2 personal property. The warehouse receipt and airway bill or
3 bill of lading shall constitute evidence that the tangible
4 personal property was sold in a sale for export under s.
5 212.06(5)(a). A freight forwarder shall maintain a copy of
6 each such warehouse receipt, airway bill, and bill of lading
7 in its own records for a period of 3 years. Any freight
8 forwarder who fails to provide the documentation required by
9 this paragraph to a person who arranges air or water
10 transportation of tangible personal property through the
11 freight forwarder or who fails to maintain such required
12 documentation in its records as provided in this paragraph
13 commits a misdemeanor of the second degree, punishable as
14 provided in s. 775.082 or s. 775.083.

15 Section 2. Subsection (3) of section 288.012, Florida
16 Statutes, is amended to read:

17 288.012 State of Florida foreign offices.--The
18 Legislature finds that the expansion of international trade
19 and tourism is vital to the overall health and growth of the
20 economy of this state. This expansion is hampered by the lack
21 of technical and business assistance, financial assistance,
22 and information services for businesses in this state. The
23 Legislature finds that these businesses could be assisted by
24 providing these services at State of Florida foreign offices.
25 The Legislature further finds that the accessibility and
26 provision of services at these offices can be enhanced through
27 cooperative agreements or strategic alliances between state
28 entities, local entities, foreign entities, and private
29 businesses.

30 (3) By December ~~October~~ 1 of each year, each foreign
31 office shall submit to the Office of Tourism, Trade, and

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1 Economic Development a complete and detailed report on its
2 activities and accomplishments during the preceding fiscal
3 year. The reports must be compiled and submitted to the Office
4 of Tourism, Trade, and Economic Development on behalf of the
5 foreign offices by Enterprise Florida, Inc., as part of the
6 annual report of Enterprise Florida, Inc., required under s.
7 288.906.In a format provided by Enterprise Florida, Inc., the
8 report must set forth information on:

9 (a) The number of Florida companies assisted.

10 (b) The number of inquiries received about investment
11 opportunities in this state.

12 (c) The number of trade leads generated.

13 (d) The number of investment projects announced.

14 (e) The estimated U.S. dollar value of sales
15 confirmations.

16 (f) The number of representation agreements.

17 (g) The number of company consultations.

18 (h) Barriers or other issues affecting the effective
19 operation of the office.

20 (i) Changes in office operations which are planned for
21 the current fiscal year.

22 (j) Marketing activities conducted.

23 (k) Strategic alliances formed with organizations in
24 the country in which the office is located.

25 (l) Activities conducted with other Florida foreign
26 offices.

27 (m) Any other information that the office believes
28 would contribute to an understanding of its activities.

29 Section 3. Paragraphs (a) and (c) of subsection (3) of
30 section 288.095, Florida Statutes, are amended to read:

31 288.095 Economic Development Trust Fund.--

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1 (3)(a) The Office of Tourism, Trade, and Economic
2 Development may approve applications for certification
3 pursuant to ss. 288.1045(3) and 288.106. However, the total
4 state share of tax refund payments scheduled in all active
5 certifications for fiscal year ~~2000-2001 shall not exceed \$24~~
6 ~~million. The state share of tax refund payments scheduled in~~
7 ~~all active certifications for fiscal year 2001-2002 may and~~
8 ~~each subsequent year shall not exceed \$30 million. The total~~
9 for each subsequent fiscal year may not exceed \$35 million.
10 (c) By December 31 ~~September 30~~ of each year,
11 Enterprise Florida, Inc., the Office of Tourism, Trade, and
12 Economic Development shall submit a complete and detailed
13 report to the Governor, the President of the Senate, the
14 Speaker of the House of Representatives, and the Office of
15 Tourism, Trade, and Economic Development ~~board of directors of~~
16 ~~Enterprise Florida, Inc., created under part VII of this~~
17 ~~chapter, of all applications received, recommendations made to~~
18 the Office of Tourism, Trade, and Economic Development, final
19 decisions issued, tax refund agreements executed, and tax
20 refunds paid or other payments made under all programs funded
21 out of the Economic Development Incentives Account, including
22 analyses of benefits and costs, types of projects supported,
23 and employment and investment created. Enterprise Florida,
24 Inc., The Office of Tourism, Trade, and Economic Development
25 shall also include a separate analysis of the impact of such
26 tax refunds on state enterprise zones designated pursuant to
27 s. 290.0065, rural communities, brownfield areas, and
28 distressed urban communities. ~~By December 1 of each year, the~~
29 ~~board of directors of Enterprise Florida, Inc., shall review~~
30 ~~and comment on the report, and the board shall submit the~~
31 ~~report, together with the comments of the board, to the~~

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1 ~~Governor, the President of the Senate, and the Speaker of the~~
2 ~~House of Representatives.~~The report must discuss whether the
3 authority and moneys appropriated by the Legislature to the
4 Economic Development Incentives Account were managed and
5 expended in a prudent, fiducially sound manner. The Office of
6 Tourism, Trade, and Economic Development shall assist
7 Enterprise Florida, Inc. in the collection of data related to
8 business performance and incentive payments.

9 Section 4. Paragraphs (a) and (d) of subsection (3),
10 paragraphs (a) and (c) of subsection (4), and subsections (5)
11 and (6) of section 288.106, Florida Statutes, are amended to
12 read:

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

15 (3) APPLICATION AND APPROVAL PROCESS.--

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

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

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

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

31 4. The number of net new full-time equivalent Florida

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1 jobs at the qualified target industry business as of December
2 31 of each year included in this state that are or will be
3 ~~dedicated to~~ the project and the average wage of those jobs.
4 If more than one type of business activity or product is
5 included in the project, the number of jobs and average wage
6 for those jobs must be separately stated for each type of
7 business activity or product.

8 5. The total number of full-time equivalent employees
9 currently employed at the business unit, and if the business
10 unit is a member of a larger group of affiliated businesses,
11 an estimate of the total number of employees of these
12 affiliated businesses by the applicant in this state.

13 6. The anticipated commencement date of the project.

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

17 8. An estimate of the proportion of the sales
18 resulting from the project that will be made outside this
19 state.

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

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1 development agency shall be officially designated by the
2 passage of a one-time resolution by the local governing
3 authority.

4 10. Any additional information requested by the
5 office.

6 (d) The office shall forward its written findings and
7 evaluation concerning each application meeting the
8 requirements of paragraph (b) to the director within 45
9 calendar days after receipt of a complete application. The
10 office shall notify each target industry business when its
11 application is complete, and of the time when the 45-day
12 period begins. In its written report to the director, the
13 office shall specifically address each of the factors
14 specified in paragraph (c) and shall make a specific
15 assessment with respect to the minimum requirements
16 established in paragraph (b). The office shall include in its
17 report projections of the tax refunds the business would be
18 eligible to receive refund claim that will be sought by the
19 target industry business in each fiscal year based on the
20 creation and maintenance of the net new Florida jobs specified
21 in subparagraph (a)4. as of December 31 of the preceding state
22 fiscal year information submitted in the application.

23 (4) TAX REFUND AGREEMENT.--

24 (a) Each qualified target industry business must enter
25 into a written agreement with the office which specifies, at a
26 minimum:

27 1. The total number of full-time equivalent jobs in
28 this state that will be dedicated to the project, the average
29 wage of those jobs, the definitions that will apply for
30 measuring the achievement of these terms during the pendency
31 of the agreement, and a time schedule or plan for when such

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1 jobs will be in place and active in this state. ~~This~~
2 ~~information must be the same as the information contained in~~
3 ~~the application submitted by the business under subsection~~
4 ~~(3).~~

5 2. The maximum amount of tax refunds which the
6 qualified target industry business is eligible to receive on
7 the project and the maximum amount of a tax refund that the
8 qualified target industry business is eligible to receive in
9 each fiscal year, based on the job creation and maintenance
10 schedule specified in subparagraph 1.

11 3. That the office may review and verify the financial
12 and personnel records of the qualified target industry
13 business to ascertain whether that business is in compliance
14 with this section.

15 4. The date by after which, in each fiscal year, the
16 qualified target industry business may file a an annual claim
17 under subsection (5) to be considered to receive a tax refund
18 in the following fiscal year.

19 5. That local financial support will be annually
20 available and will be paid to the account. The director may
21 not enter into a written agreement with a qualified target
22 industry business if the local financial support resolution is
23 not passed by the local governing authority within 90 days
24 after he or she has issued the letter of certification under
25 subsection (3).

26 (c) The agreement must be signed by the director and
27 by an authorized officer of the qualified target industry
28 business within 120 days after the issuance of the letter of
29 certification under subsection (3), but not before passage and
30 receipt of the resolution of local financial support.

31 (5) ANNUAL CLAIM FOR REFUND.--

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1 (a) To be eligible to claim any scheduled tax refund,
2 a qualified target industry business that has entered into a
3 tax refund agreement with the office under subsection (4) must
4 ~~may~~ apply by January 31 of once each fiscal year to the office
5 for ~~the~~ a tax refund scheduled to be paid from the
6 appropriation for the fiscal year which begins on July 1
7 following the January 31 claims submission date. The office
8 may, upon written request, grant a 30-day extension of the
9 filing date. The application must be made on or after the date
10 specified in that agreement.

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

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

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1 granted; and the limitations in subsection (2) and paragraph
2 (3)(f) must be reduced by the amount of any such tax abatement
3 or the value of the land granted. A report listing all sources
4 of the local financial support shall be provided to the office
5 when such support is paid to the account.

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

12 (e) The director, with such assistance as may be
13 required from the office, the Department of Revenue, or the
14 Agency for Workforce Innovation ~~Department of Labor and~~
15 ~~Employment Security~~, shall, by June 30 following the scheduled
16 date for the tax refund claim submission, specify by written
17 final order the approval or disapproval of the tax refund
18 claim and, if approved, the amount of the tax refund that is
19 authorized to be paid to for the qualified target industry
20 business for the fiscal year within 30 days after the date
21 that the claim for the annual tax refund is received by the
22 office. The office may grant an extension of this date on the
23 request of the qualified target industry business for the
24 purpose of filing additional information in support of the
25 claim.

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

29 (g) Nothing in this section shall create a presumption
30 that a scheduled tax refund claim will be approved and paid.

31 (h)(g) Upon approval of the tax refund under

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1 paragraphs (c), (d), and (e), the Comptroller shall issue a
2 warrant for the amount specified in the ~~final~~ order. If the
3 ~~final~~ order is appealed, the Comptroller may not issue a
4 warrant for a refund to the qualified target industry business
5 until the conclusion of all appeals of that order.

6 (6) ADMINISTRATION.--

7 (a) The office is authorized to verify information
8 provided in any claim submitted for tax credits under this
9 section with regard to employment and wage levels or the
10 payment of the taxes to the appropriate agency or authority,
11 including the Department of Revenue, the Agency for Workforce
12 Innovation ~~Department of Labor and Employment Security~~, or any
13 local government or authority.

14 (b) To facilitate the process of monitoring and
15 auditing applications made under this program, the office may
16 provide a list of qualified target industry businesses to the
17 Department of Revenue, to the Agency for Workforce Innovation
18 ~~Department of Labor and Employment Security~~, or to any local
19 government or authority. The office may request the assistance
20 of those entities with respect to monitoring jobs and wages
21 and the payment of the taxes listed in subsection (2).

22 (c) Funds specifically appropriated for Qualified
23 Targeted Industries shall not be used for any purpose other
24 than the payment of tax refunds authorized by this section.

25 Section 5. Subsection (8) of section 288.90151,
26 Florida Statutes, is amended to read:

27 288.90151 Return on investment from activities of
28 Enterprise Florida, Inc.--

29 (8) Enterprise Florida, Inc., in consultation with the
30 Office of Program Policy Analysis and Government
31 Accountability, shall hire a private accounting firm or an

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1 economic analysis firm to develop the methodology for
2 establishing and reporting return-on-investment and in-kind
3 contributions as described in this section and a survey firm
4 to develop, analyze, and report on the results of the
5 customer-satisfaction survey. The Office of Program Policy
6 Analysis and Government Accountability shall review and offer
7 feedback on the methodology before it is implemented. The
8 firms used to satisfy the requirements of this subsection
9 ~~private accounting firm~~ shall certify whether the applicable
10 statements in the annual report comply with this subsection.

11 Section 6. Subsection (2) of section 288.905, Florida
12 Statutes, is amended to read:

13 288.905 Duties of the board of directors of Enterprise
14 Florida, Inc.--

15 (2) The board of directors shall, in conjunction with
16 the Office of Tourism, Trade, and Economic Development, the
17 Office of Urban Opportunities, and local and regional economic
18 development partners, develop a strategic plan for economic
19 development for the State of Florida. Such plan shall be
20 submitted to the Governor, the President of the Senate, the
21 Speaker of the House of Representatives, the Senate Minority
22 Leader, and the House Minority Leader and shall be updated or
23 modified before January 31 ± of each year. The plan must be
24 approved by the board of directors prior to submission to the
25 Governor and Legislature.

26 Section 7. Paragraph (a) of subsection (2) of section
27 288.980, Florida Statutes, is amended to read:

28 288.980 Military base retention; legislative intent;
29 grants program.--

30 (2)(a) The Office of Tourism, Trade, and Economic
31 Development is authorized to award grants from ~~any~~ funds

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1 specifically appropriated ~~available~~ to it to support
2 activities related to the retention of military installations
3 potentially affected by federal base closure or realignment.
4 Section 8. Section 290.00695, Florida Statutes, is
5 created to read:
6 290.00695 Enterprise zone designation for Hernando
7 County or Hernando County and Brooksville.--Hernando County,
8 or Hernando County and the City of Brooksville jointly, may
9 apply to the Office of Tourism, Trade, and Economic
10 Development for designation of one enterprise zone within the
11 county, or within both the county and the city, which zone
12 encompasses an area up to 10 contiguous square miles. The
13 application must be submitted by December 31, 2001, and must
14 comply with the requirements of s. 290.0055. Notwithstanding
15 the provisions of s. 290.0065 limiting the total number of
16 enterprise zones designated and the number of enterprise zones
17 within a population category, the Office of Tourism, Trade,
18 and Economic Development may designate one enterprise zone
19 under this section. The Office of Tourism, Trade, and Economic
20 Development shall establish the initial effective date of the
21 enterprise zone designated under this section.

22 Section 9. Except for section 1 of this act, which
23 shall take effect January 1, 2002, this act shall take effect
24 July 1, 2001.

25
26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, lines 2-28
30 remove from the title of the bill: all of said lines

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1 and insert in lieu thereof:
2 An act relating to economic development;
3 amending s. 212.13, F.S.; requiring freight
4 forwarders to provide warehouse receipts or
5 copies of airway bills or bills of lading for
6 certain purposes; providing receipt
7 requirements; requiring freight forwarders to
8 maintain certain records for a time certain;
9 providing for effect of such documentation;
10 providing a misdemeanor penalty for failing to
11 provide such documentation or maintain certain
12 records; amending s. 288.012, F.S.; changing
13 the date for submission of certain reports by
14 foreign offices; providing for the reports to
15 be compiled and submitted by Enterprise
16 Florida, Inc., as part of its annual report;
17 amending s. 288.095, F.S.; increasing the
18 amount of the total state share of tax refunds
19 that may be scheduled annually for payment
20 under the qualified target industry tax refund
21 program and the qualified defense contractor
22 tax refund program; revising the due date and
23 content for an annual report on incentives and
24 reassigning responsibility for such report to
25 Enterprise Florida, Inc.; amending s. 288.106,
26 F.S., relating to the tax refund program for
27 qualified target industry businesses; revising
28 requirements for application for certification
29 as such business with respect to the number of
30 current and new jobs at the business and
31 projections by the Office of Tourism, Trade,

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1 and Economic Development of refunds based
2 thereon; revising requirements relating to the
3 tax refund agreement with respect to job
4 creation and the time for filing of claims for
5 refund; revising provisions relating to annual
6 claims for refund; authorizing an extension of
7 time for signing the tax refund agreement;
8 providing an application deadline; revising
9 provisions relating to the order authorizing a
10 tax refund; specifying that the section does
11 not create a presumption that a claim will be
12 approved and paid; revising the agencies with
13 which the office may verify information and to
14 which the office may provide information;
15 expanding the purposes for which the office may
16 seek assistance from certain entities;
17 specifying that certain appropriations may not
18 used for any purpose other than the payment of
19 specified tax refunds; amending s. 288.90151,
20 F.S.; authorizing Enterprise Florida, Inc., to
21 hire an economic analysis firm to assist with
22 certain reporting requirements; directing
23 Enterprise Florida, Inc., to hire a survey firm
24 to assist with a customer-satisfaction survey;
25 conforming changes; amending s. 288.905, F.S.;
26 revising the deadline for submission of updates
27 or modifications to the strategic plan
28 developed by Enterprise Florida, Inc.; amending
29 s. 288.980, F.S.; providing that grants by the
30 Office of Tourism, Trade, and Economic
31 Development to support activities related to

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1 the retention of military installations
2 potentially affected by closure or realignment
3 must be from funds specifically appropriated
4 therefor; creating s. 290.00695, F.S.;
5 authorizing the Office of Tourism, Trade, and
6 Economic Development to designate an enterprise
7 zone in Hernando County or Hernando County and
8 the City of Brooksville jointly; providing
9 requirements with respect thereto; providing
10 effective dates.

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