

STORAGE NAME: h1789.br.doc
DATE: April 6, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
BUSINESS REGULATION
ANALYSIS**

BILL #: HB 1789
RELATING TO: Enterprise Zones
SPONSOR(S): Representative(s) Garcia

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE YEAS 9 NAYS 0
 - (2) BUSINESS REGULATION
 - (3) COUNCIL ON COMPETITIVE COMMERCE
 - (4)
 - (5)
-

I. SUMMARY:

This bill requires the Office of Tourism, Trade, and Economic Development (OTTED) to designate an enterprise zone comprised exclusively of the Hialeah Park Race Track within the City of Hialeah, Dade County, based on a joint application from the City of Hialeah and Miami-Dade County. The application must be submitted to OTTED by June 1, 2001, and the new enterprise zone would be effective July 1, 2001.

The application will not be governed by s. 290.065, F.S., limiting the number of enterprise zones designated per population category, but will be subject to the enterprise zone nominating procedure outlined in s. 290.0055, Florida Statutes.

The bill takes effect upon becoming a law.

The Revenue Impact Conference has not addressed this bill.

At its April 4, 2001 meeting, the Committee on Economic Development and International Trade adopted one amendment that is traveling with the bill. It deletes language specifying street boundaries for the proposed enterprise zone.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

Enterprise Zone Program – Background

Florida established one of the first enterprise zone programs in the country in 1980 to encourage economic growth and investment in distressed areas by offering tax advantages to businesses willing to make such an investment. An “enterprise zone” is a specific geographic area targeted for economic revitalization. Since July 1, 1995, the state has designated 34 enterprise zones (March 1, 2000, *Florida Enterprise Zone Program Annual Report* by the Office of Tourism, Trade, and Economic Development).

In 1994, the Legislature passed significant revisions to the first Enterprise Zone Program established in 1980. The original program became overwhelmed with the number of zones allowed. As a result, the existing zones were repealed on December 31, 1994, and parameters were established for designation of new zones. Administrative responsibilities of the program were transferred from the Department of Community Affairs to the Department of Commerce. The jobs tax credit eligibility criteria were revised to require both the business and the employee to reside within an enterprise zone.

In 1995, 19 enterprise zones were designated in urban and rural communities throughout the state. Local governments were required to establish a community-based Enterprise Zone Development Agency (EZDA). Each EZDA is responsible for overseeing the implementation of its individual plan and reducing local barriers to revitalization efforts. The agencies are required to market their zones to interested parties and assist local business owners with state and local incentives.

In 1996, 11 new enterprise zones were authorized by the Legislature of which 10 submitted acceptable plans and applications. Administrative duties were transferred to the newly created Office of Tourism, Trade, and Economic Development (OTTED) upon the dissolution of the Department of Commerce.

In 1997, OTTED designated the City of Fort Pierce as the 30th enterprise zone.

In 1998, the 31st enterprise zone was added when the Legislature further amended the Enterprise Zone Program by authorizing a new zone to be designated within a brownfield pilot project area (Clearwater). Also in 1998, the Legislature provided that new employees who are welfare transition

participants may provide a basis for employers to claim the enterprise zone job tax credit under ss. 212.096 and 220.181, F.S., regardless of whether such employees reside in the zone.

During the 1999 legislative session, legislation further amended the Enterprise Zone Program by providing four counties (Columbia, Gadsden, Liberty, and Suwannee) with an opportunity to apply for a state enterprise zone. The Legislature also recognized the newly federally designated Empowerment Zone (Miami-Dade County) and Enterprise Community (Immokalee/Hendry County) as state enterprise zones. Also in 1999 and the first two months of 2000, enterprise zones were approved for Lake Apopka (32nd zone), Liberty County (33rd), and Hendry County (34th). In addition, Suwannee, Columbia, and Gadsden counties have submitted applications for enterprise zone designation pending approval from OTTED.

Enterprise Zone Incentives

The Florida Enterprise Zone Program includes the following financial incentives to businesses to encourage private investment and increase employment opportunities for enterprise zone residents:

- Enterprise Zone Jobs Tax Credit (Sales & Use Tax);
- Enterprise Zone Jobs Tax Credit (Corporate Income Tax);
- Enterprise Zone Property Tax Credit (Corporate Income Tax);
- Sales Tax Refund for Building Materials Used in an Enterprise Zone;
- Sales Tax Refund for Business Machinery and Equipment Used in an Enterprise Zone;
- Sales Tax Exemption for Electrical Energy Used in an Enterprise Zone;
- Community Contribution Tax Credit Program;
- Enterprise Zone Linked Deposit Program.

Tax incentives are offered to all types of businesses that are located within a designated enterprise zone and employ zone residents, rehabilitate real property or purchase business equipment to be used in the zone. Tax credits are available to businesses that pay either the Florida Corporate Income Tax or the Florida Sales and Use Tax. Sales tax refunds and sales tax exemptions are available if eligible purchases are made.

Costs of the program have increased as new areas have been added. The total cost of state and local incentives was \$11.2 million in FY 1996-97 and \$13 million in FY 1997-98. During the fourth full year of the revised Enterprise Zone Program, costs have increased by \$11 million, such that FY 1998-99 totals \$24 million in state and local incentives (\$5.2 million in state tax incentives approved by the Department of Revenue, and \$18.8 million in incentives provided by the local governing bodies; however, some of the local incentives provided are federal pass-through funds). This increased activity was the result of 776 new businesses moving into enterprise zones creating 5,305 new jobs.

Local Nominating Procedure, Pervasive Poverty Standard

Section 290.0055, F.S., provides requirements for nominating and selecting an enterprise zone. It provides size limitations depending on the community population category and stipulates that for communities having a total population of 20,000 persons or less, the selected enterprise zone area shall not exceed 3 square miles. This section also requires that the selected area suffer from pervasive poverty, unemployment, and general distress, as described and measured pursuant to s. 290.0058, F.S. Section 290.0058(2), F.S., specifies that pervasive poverty "shall be evidenced by a showing that poverty is widespread throughout the nominated area. The poverty rate of the nominated area shall be established using the following criteria: (a) In each census geographic block group within a nominated area, the poverty rate shall be not less than 20 percent. (b) In at

least 50 percent of the census geographic block groups within the nominated area, the poverty rate shall not be less than 30 percent.”

Boundary Changes

There are currently a number of provisions in the enterprise zone statutes that relate to boundary changes. For example, s. 290.0065(9), F.S., provides for amending the boundaries of any previously designated enterprise zone if pervasive poverty, unemployment and distress are still present within the new borders. Subsection (10) provides for amending the boundaries of certain zones for the purpose of replacing areas not suitable for development if the application for such amendment is received before December 31, 1998. This subsection requires OTTED to approve the application if it does not increase the overall size of the enterprise zone and the added area is consistent with previous categories, criteria, and limitations.

Miami-Dade County

According to OTTED, one enterprise zone exists in Miami-Dade County; it comprises 41.6 square miles.

Composition of the current enterprise zone in Miami-Dade County is a result of:

- in 1995, the Legislature redesignating Miami-Dade County as a state enterprise zone under the revamped Enterprise Zone Program (s. 290.0065(4)(a), F.S.),
- the Legislature authorizing changes in the existing Miami-Dade County enterprise zone boundaries pursuant to ss. 290.0055(7) and 290.0065(10) and (11), F.S., and
- in 1999, the Legislature recognizing the newly created federal Empowerment Zone of Miami-Dade County as a state enterprise zone (s. 290.0065(5)(a), F.S.).

Hialeah Park Race Track

The State of Florida allows pari-mutuel wagering on thoroughbred, harness and quarter horse racing, greyhound racing and jai alai games. Hialeah Park is licensed by the Department of Business and Professional Regulation to conduct pari-mutuel wagering.

Hialeah Park is situated on approximately 200 acres of land located in the heart of the City of Hialeah, Dade County, Florida. Hialeah Park, renown for its flocks of pink flamingo, is the oldest pari-mutuel facility in the state. The Park was placed on the National Register of Historic Places in 1979 and designated as a Local Historic Site by Dade County in 1989. Once a thriving hub of pari-mutuel activity, attendance and wagering at Hialeah Park have declined dramatically in recent years.

C. EFFECT OF PROPOSED CHANGES:

This bill authorizes the designation of another enterprise zone in the Miami-Dade County metropolitan area, specifically an area enclosing the Hialeah Park Race Track, within the City of Hialeah.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Impact Conference has not addressed this bill.

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The designation of an enterprise zone within the City of Hialeah will have no impact on local government revenues as a whole. However, since some local governments also offer various economic incentives for businesses within an enterprise zone, the City of Hialeah and Dade County may recognize reduced tax collections.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Businesses and residents located within the boundaries of an enterprise zone benefit to the extent tax incentives and employment opportunities are provided.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action that requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None noted.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its April 4, 2001 meeting, the Committee on Economic Development and International Trade adopted one amendment that is traveling with the bill. The amendment deletes language specifying the street boundaries of Hialeah Park as the proposed enterprise zone and leaves authority for the designation of an enterprise zone within the City of Hialeah.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE:

Prepared by:

Staff Director:

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J. Paul Whitfield, Jr.

AS REVISED BY THE COMMITTEE ON BUSINESS REGULATION:

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