

By Senator Latvala

19-1132-02

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A bill to be entitled
An act relating to Brownfield redevelopment;
amending s. 288.106, F.S.; eliminating local
financial support for target industry and
Brownfield redevelopment bonus refunds;
amending s. 228.107, F.S.; revising the
criteria for participation in the bonus refund
program; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) and
paragraph (a) of subsection (4) of section 288.106, Florida
Statutes, are amended to read:

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

(3) APPLICATION AND APPROVAL PROCESS.--

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

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

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

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

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

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

12 6. The anticipated commencement date of the project.

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

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

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

1 ~~passage of a one-time resolution by the local governing~~
2 ~~authority.~~

3 9.10. Any additional information requested by the
4 office.

5 (4) TAX REFUND AGREEMENT.--

6 (a) Each qualified target industry business must enter
7 into a written agreement with the office which specifies, at a
8 minimum:

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

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

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

27 4. The date after which, in each fiscal year, the
28 qualified target industry business may file an annual claim
29 under subsection (5).

30 ~~5. That local financial support will be annually~~
31 ~~available and will be paid to the account. The director may~~

1 ~~not enter into a written agreement with a qualified target~~
2 ~~industry business if the local financial support resolution is~~
3 ~~not passed by the local governing authority within 90 days~~
4 ~~after he or she has issued the letter of certification under~~
5 ~~subsection (3).~~

6 Section 2. Paragraph (e) of subsection (1) and
7 paragraph (b) of subsection (3) of section 288.107, Florida
8 Statutes, are amended to read:

9 288.107 Brownfield redevelopment bonus refunds.--

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

11 (e) "Eligible business" means a qualified target
12 industry business as defined in s. 288.106(1)(o) or other
13 business that can demonstrate a fixed capital investment of at
14 least \$2 million in mixed-use business activities, including
15 multiunit housing, commercial, retail, and industrial in
16 brownfield areas and which pays wages that are at least 60 ~~80~~
17 percent of the average of all private sector wages in the
18 county in which the business is located.

19 (3) CRITERIA.--The minimum criteria for participation
20 in the brownfield redevelopment bonus refund are:

21 (b) The completion of a fixed capital investment of at
22 least \$2 million in mixed-use business activities, including
23 multiunit housing, commercial, retail, and industrial in
24 brownfield areas and which pay wages that are at least 60 ~~80~~
25 percent of the average of all private sector wages in the
26 county in which the business is located.

27 Section 3. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Eliminates local financial support for target industry and Brownfield redevelopment bonus refunds and revises the criteria for participation in Brownfield redevelopment bonus refunds.