

By the Committee on Commerce and Economic Opportunities; and  
Senator Latvala

310-2014-02

1                                   A bill to be entitled  
2           An act relating to brownfield redevelopment;  
3           amending s. 288.106, F.S.; eliminating local  
4           financial support for target industry and  
5           brownfield redevelopment bonus refunds;  
6           amending s. 288.107, F.S.; revising the  
7           criteria for participation in the bonus refund  
8           program; amending s. 376.80, F.S.; providing  
9           for certain unencumbered funds to be used for  
10          grants related to certain brownfield sites;  
11          providing an effective date.

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

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

18           288.106 Tax refund program for qualified target  
19           industry businesses.--

20           (3) APPLICATION AND APPROVAL PROCESS.--

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

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

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

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

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

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

14           6. The anticipated commencement date of the project.

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

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

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

1 ~~support under this subsection, the authorized local economic~~  
2 ~~development agency shall be officially designated by the~~  
3 ~~passage of a one-time resolution by the local governing~~  
4 ~~authority.~~

5 9.10. Any additional information requested by the  
6 office.

7 (4) TAX REFUND AGREEMENT.--

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

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

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

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

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

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

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

11           288.107 Brownfield redevelopment bonus refunds.--

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

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

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

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

29           Section 3. Subsection (13) is added to section 376.80,  
30 Florida Statutes, to read:

31           376.80 Brownfield program administration process.--

1           (13) Annually, any unencumbered funds remaining  
2 undisbursed on or at the close of the fiscal year on June 30  
3 from the Quick-Response Training Program, from brownfield  
4 redevelopment bonus refunds, and from unencumbered,  
5 undisbursed funds appropriated in the General Appropriations  
6 Act for cleanup of state-owned lands shall be used for grants  
7 to fund expenses relating to the assessment and remediation of  
8 brownfield sites within areas designated pursuant to this  
9 section for those jurisdictions that have United-States  
10 Environmental-Protection-Agency brownfield pilot projects  
11 designated prior to July 1, 1997. Grants shall be distributed  
12 to eligible pilot projects under this section on a pro-rata  
13 basis in an amount not to exceed \$500,000 per pilot project,  
14 provided that there is a total of at least \$100,000 to  
15 disburse.

16           Section 4. This act shall take effect upon becoming a  
17 law.

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19                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20   COMMITTEE SUBSTITUTE FOR  
21   Senate Bill 2168

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23           The committee substitute substantively changes SB 2168 by  
24 amending the Brownfields Redevelopment Act to provide that  
25 certain unencumbered, undisbursed funds relating to the  
26 Quick-Response Training Program, brownfield redevelopment  
27 bonus refunds, and the cleanup of state-owned lands be used  
28 for grants to fund expenses relating to the assessment and  
29 remediation of certain brownfield sites.

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