

By the Committee on Commerce and Economic Opportunities; and  
Senator Diaz de la Portilla

310-2229-02

1                                   A bill to be entitled  
2           An act relating to economic stimulus; amending  
3           s. 220.191, F.S.; establishing, for a temporary  
4           period, eligibility conditions for a new type  
5           of qualifying project under the capital  
6           investment tax credit program; providing  
7           deadlines for certification of businesses and  
8           commencement of project construction under such  
9           program; revising requirements relating to  
10          minimum capital investment; prescribing tax  
11          credit limitations; amending s. 288.095, F.S.;  
12          revising terminology relating to certain  
13          incentive payment schedules; revising the due  
14          date and content for an annual report on  
15          incentives and reassigning responsibility for  
16          such report to Enterprise Florida, Inc.;  
17          amending s. 288.1045, F.S.; expanding the tax  
18          refund program for qualified defense  
19          contractors to include qualified  
20          aviation-industry businesses; revising  
21          definitions; defining "aviation-industry  
22          business"; providing that qualified  
23          aviation-industry businesses may seek refunds  
24          for aviation fuel taxes paid; revising and  
25          conforming procedures for applying for  
26          certification under the tax refund program;  
27          prescribing information required in  
28          applications by aviation-industry businesses;  
29          prescribing criteria to be used by the Office  
30          of Tourism, Trade, and Economic Development in  
31          reviewing applications by aviation-industry

1 businesses; revising the required elements of a  
2 tax refund agreement; providing an exemption  
3 from mandatory loss of tax refund eligibility  
4 and decertification resulting from agreement  
5 breach in cases of uncontrollable economic  
6 factors or specific acts of terrorism;  
7 prescribing a deadline for applying for tax  
8 refunds; revising conditions and procedures  
9 governing applications for tax refunds;  
10 revising provisions relating to the order  
11 authorizing a tax refund; authorizing the  
12 office to grant extensions to certain  
13 application and notification deadlines;  
14 revising conditions under which a prorated tax  
15 refund will be approved; providing for  
16 calculation of such prorated refund; specifying  
17 that the section does not create a presumption  
18 a claim will be approved and paid; revising the  
19 agencies with which the office may verify  
20 information and to which the office may provide  
21 information; expanding purposes for which the  
22 office may seek assistance from certain  
23 entities; specifying that certain  
24 appropriations may not be used for any purpose  
25 other than the payment of specified tax  
26 refunds; amending s. 288.106, F.S., relating to  
27 the tax refund program for qualified target  
28 industry businesses; consolidating definitions;  
29 revising requirements for application for  
30 certification as such business with respect to  
31 the number of current and new jobs at the

1 business and projections by the Office of  
2 Tourism, Trade, and Economic Development of  
3 refunds based thereon; revising requirements  
4 relating to the tax refund agreement with  
5 respect to job creation and the time for filing  
6 of claims for refund; providing for an  
7 exemption from mandatory loss of tax refund  
8 eligibility and decertification resulting from  
9 agreement breach in cases of uncontrollable  
10 economic factors or specific acts of terrorism;  
11 revising provisions relating to annual claims  
12 for refund; authorizing an extension of time  
13 for signing the tax refund agreement; providing  
14 an application deadline; revising provisions  
15 relating to the order authorizing a tax refund;  
16 revising conditions under which a prorated tax  
17 refund will be approved; providing for  
18 calculation of such prorated tax refund;  
19 specifying that the section does not create a  
20 presumption that a claim will be approved and  
21 paid; revising the agencies with which the  
22 office may verify information and to which the  
23 office may provide information; expanding  
24 purposes for which the office may seek  
25 assistance from certain entities; specifying  
26 that certain appropriations may not be used for  
27 any purpose other than the payment of specified  
28 tax refunds; amending s. 14.2015, F.S.;  
29 revising duties of the Office of Tourism,  
30 Trade, and Economic Development with respect to  
31 tax-refund programs; conforming provisions to

1 changes made by the act; amending s. 213.053,  
2 F.S.; authorizing the Department of Revenue to  
3 share certain information concerning specified  
4 tax-refund programs with the Office of Tourism,  
5 Trade, and Economic Development; providing  
6 legislative findings relating to the impact of  
7 economic downturns on small businesses;  
8 directing Enterprise Florida, Inc., to provide  
9 for the establishment of a Small Business  
10 Crisis Management Team; prescribing the  
11 membership and purposes of such team; requiring  
12 participation of designated agencies or  
13 organizations; defining the term "small  
14 business"; providing a short title; amending s.  
15 443.111, F.S.; defining terms; creating a  
16 self-employment-assistance program within the  
17 Agency for Workforce Innovation; providing  
18 eligibility requirements; authorizing payment  
19 of self-employment-assistance allowance in lieu  
20 of regular unemployment compensation to  
21 eligible individuals; requiring participants to  
22 attend certain training and counseling  
23 programs; requiring participants to engage in  
24 activities related to establishing a business  
25 and becoming self-employed; exempting  
26 participants from certain requirements  
27 applicable for regular benefits; providing  
28 disqualification requirements; specifying  
29 payment and financing of allowances; requiring  
30 establishment of an eligibility-assessment  
31 system; providing for training and counseling

1 programs; providing participation limits;  
2 providing for rules; requiring a report;  
3 providing for resolution of conflict with  
4 federal requirements; providing for expiration;  
5 creating s. 445.053, F.S.; defining terms;  
6 requiring the Agency for Workforce Innovation  
7 to establish a Self-Employment-Assistance Loan  
8 Program; providing for business start-up loans  
9 to eligible borrowers; providing for contracts  
10 with qualified entities to make loans; limiting  
11 the use of loan repayments; providing for  
12 extension of certain counseling programs;  
13 providing for the selection of qualified  
14 entities; providing for expiration; amending s.  
15 624.5091, F.S.; revising provisions governing  
16 determination of retaliatory taxes on certain  
17 insurers; amending s. 187.101, F.S.; providing  
18 legislative intent relating to the State  
19 Comprehensive Plan; amending s. 288.901, F.S.;  
20 expanding the membership of the board of  
21 directors of Enterprise Florida, Inc., to  
22 include certain economic-development or  
23 community-development representatives; amending  
24 s. 288.9015, F.S.; revising duties of  
25 Enterprise Florida, Inc., relating to economic  
26 development in certain communities; providing  
27 legislative findings and intent regarding  
28 economically distressed communities;  
29 prescribing duties and activities of Enterprise  
30 Florida, Inc., relating to economically  
31 distressed communities; requiring information

1           concerning such duties and activities to be  
2           included in the annual report of Enterprise  
3           Florida, Inc.; providing an appropriation;  
4           providing effective dates.  
5

6 Be It Enacted by the Legislature of the State of Florida:  
7

8           Section 1. Section 220.191, Florida Statutes, is  
9 amended to read:

10           220.191 Capital investment tax credit.--

11           (1) DEFINITIONS.--For purposes of this section:

12           (a) "Commencement of operations" means the beginning  
13 of active operations by a qualifying business or qualifying  
14 economic stimulus business of the principal function for which  
15 a qualifying project was constructed.

16           (b) "Cumulative capital investment" means the total  
17 capital investment in land, buildings, and equipment made in  
18 connection with a qualifying project or qualifying economic  
19 stimulus project during the period from the beginning of  
20 construction of the project to the commencement of operations.

21           (c) "Eligible capital costs" means all expenses  
22 incurred by a qualifying business or qualifying economic  
23 stimulus business in connection with the acquisition,  
24 construction, installation, and equipping of a qualifying  
25 project or qualifying economic stimulus project during the  
26 period from the beginning of construction of the project to  
27 the commencement of operations, including, but not limited to:

28           1. The costs of acquiring, constructing, installing,  
29 equipping, and financing a qualifying project or qualifying  
30 economic stimulus project, including all obligations incurred  
31

1 for labor and obligations to contractors, subcontractors,  
2 builders, and materialmen.

3 2. The costs of acquiring land or rights to land and  
4 any cost incidental thereto, including recording fees.

5 3. The costs of architectural and engineering  
6 services, including test borings, surveys, estimates, plans  
7 and specifications, preliminary investigations, environmental  
8 mitigation, and supervision of construction, as well as the  
9 performance of all duties required by or consequent to the  
10 acquisition, construction, installation, and equipping of a  
11 qualifying project or qualifying economic stimulus project.

12 4. The costs associated with the installation of  
13 fixtures and equipment; surveys, including archaeological and  
14 environmental surveys; site tests and inspections; subsurface  
15 site work and excavation; removal of structures, roadways, and  
16 other surface obstructions; filling, grading, paving, and  
17 provisions for drainage, storm water retention, and  
18 installation of utilities, including water, sewer, sewage  
19 treatment, gas, electricity, communications, and similar  
20 facilities; and offsite construction of utility extensions to  
21 the boundaries of the property.

22  
23 Eligible capital costs shall not include the cost of any  
24 property previously owned or leased by the qualifying business  
25 or qualifying economic stimulus business.

26 (d) "Income generated by or arising out of the  
27 qualifying project or qualifying economic stimulus project"  
28 means the qualifying project's or qualifying economic stimulus  
29 project's annual taxable income as determined by generally  
30 accepted accounting principles and under s. 220.13.

31

1           (e) "Jobs" means full-time equivalent positions, as  
2 such term is consistent with terms used by the Agency for  
3 Workforce Innovation ~~Department of Labor and Employment~~  
4 ~~Security~~ and the United States Department of Labor for  
5 purposes of unemployment tax administration and employment  
6 estimation, resulting directly from a qualifying project or  
7 qualifying economic stimulus project in this state. Such term  
8 does not include temporary construction jobs involved in the  
9 construction of the project facility.

10           (f) "Office" means the Office of Tourism, Trade, and  
11 Economic Development.

12           (g) "Qualifying business" means a business which  
13 establishes a qualifying project in this state and which is  
14 certified by the office to receive tax credits under ~~pursuant~~  
15 ~~to~~ this section.

16           (h) "Qualifying project" means a new or expanding  
17 facility in this state which creates at least 100 new jobs in  
18 this state and is in one of the high-impact sectors identified  
19 by Enterprise Florida, Inc., and certified by the office under  
20 ~~pursuant to~~ s. 288.108(6), including, but not limited to,  
21 aviation, aerospace, automotive, and silicon technology  
22 industries.

23           (i) "Qualifying economic stimulus business" means a  
24 business that establishes a qualifying economic stimulus  
25 project in this state and that is certified by the office, on  
26 or before December 31, 2002, to receive tax credits under this  
27 section.

28           (j) "Qualifying economic stimulus project" means a new  
29 or expanding facility in this state which creates at least 50  
30 new jobs in this state and would be eligible for consideration  
31 as a qualified target industry business under s. 288.106.



1 Construction on a qualifying economic stimulus project must  
2 begin after January 1, 2002, but on or before July 31, 2003.

3 (2) An annual credit against the tax imposed by this  
4 chapter shall be granted to any qualifying business or  
5 qualifying economic stimulus business in an amount equal to 5  
6 percent of the eligible capital costs generated by a  
7 qualifying project or qualifying economic stimulus project,  
8 for a period not to exceed 20 years beginning with the  
9 commencement of operations of the project. The tax credit  
10 shall be granted against only the corporate income tax  
11 liability or the premium tax liability generated by or arising  
12 out of the qualifying project or qualifying economic stimulus  
13 project, and the sum of all tax credits provided under  
14 ~~pursuant to~~ this section shall not exceed 100 percent of the  
15 eligible capital costs of the project. In no event may any  
16 credit granted under this section be carried forward or  
17 backward by any qualifying business or qualifying economic  
18 stimulus business with respect to a subsequent or prior year.

19 (a) The annual tax credit granted under this section  
20 shall not exceed the following percentages of the annual  
21 corporate income tax liability or the premium tax liability  
22 generated by or arising out of a qualifying project:

23 1.(a) One hundred percent for a qualifying project  
24 which results in a cumulative capital investment of at least  
25 \$100 million.

26 2.(b) Seventy-five percent for a qualifying project  
27 which results in a cumulative capital investment of at least  
28 \$50 million but less than \$100 million.

29 3.(c) Fifty percent for a qualifying project which  
30 results in a cumulative capital investment of at least \$25  
31 million but less than \$50 million.

1           4. Forty percent for a qualifying project on which  
2 construction has begun after January 1, 2002, but on or before  
3 July 31, 2003, and which results in a cumulative capital  
4 investment of at least \$15 million but less than \$25 million.

5           (b) The annual tax credit granted under this section  
6 shall not exceed the following percentages of the annual  
7 corporate income tax liability or the premium tax liability  
8 generated by or arising out of a qualifying economic stimulus  
9 project:

10           1. Ninety percent if the qualifying economic stimulus  
11 project results in a cumulative capital investment of at least  
12 \$100 million.

13           2. Sixty-five percent if the qualifying economic  
14 stimulus project results in a cumulative capital investment of  
15 at least \$50 million but less than \$100 million.

16           3. Forty percent if the qualifying economic stimulus  
17 project results in a cumulative capital investment of at least  
18 \$25 million but less than \$50 million.

19           4. Thirty percent if the qualifying economic stimulus  
20 project results in a cumulative capital investment of at least  
21 \$15 million but less than \$25 million.

22  
23 A qualifying project or qualifying economic stimulus project  
24 which results in a cumulative capital investment of less than  
25 ~~\$15~~\$25 million is not eligible for the capital investment tax  
26 credit. An insurance company claiming a credit against premium  
27 tax liability under this program shall not be required to pay  
28 any additional retaliatory tax levied under ~~pursuant to~~ s.  
29 624.5091 as a result of claiming such credit. Because credits  
30 under this section are available to an insurance company, s.  
31 624.5091 does not limit such credit in any manner.

1           (3) Before ~~Prior to~~ receiving tax credits under  
2 ~~pursuant to~~ this section, a qualifying business or qualifying  
3 economic stimulus business must achieve and maintain the  
4 minimum employment goals beginning with the commencement of  
5 operations at a qualifying project or qualifying economic  
6 stimulus project and continuing each year thereafter during  
7 which tax credits are available under ~~pursuant to~~ this  
8 section.

9           (4) The office, upon a recommendation by Enterprise  
10 Florida, Inc., shall first certify a qualifying business or  
11 qualifying economic stimulus business as eligible to receive  
12 tax credits under ~~pursuant to~~ this section before ~~prior to~~ the  
13 commencement of operations of a qualifying project or  
14 qualifying economic stimulus project, and such certification  
15 shall be transmitted to the Department of Revenue. Upon  
16 receipt of the certification, the Department of Revenue shall  
17 enter into a written agreement with the qualifying business or  
18 qualifying economic stimulus business specifying, at a  
19 minimum, the method by which income generated by or arising  
20 out of the qualifying project or qualifying economic stimulus  
21 project will be determined.

22           (5) The office, in consultation with Enterprise  
23 Florida, Inc., is authorized to develop the necessary  
24 guidelines and application materials for the certification  
25 process described in subsection (4).

26           (6) It shall be the responsibility of the qualifying  
27 business or qualifying economic stimulus business to  
28 affirmatively demonstrate to the satisfaction of the  
29 Department of Revenue that such business meets the job  
30 creation and capital investment requirements of this section.

31

1           (7) The Department of Revenue may specify by rule the  
2 methods by which a qualifying project's or qualifying economic  
3 stimulus project's pro forma annual taxable income is  
4 determined.

5           Section 2. Paragraphs (b) and (c) of subsection (3) of  
6 section 288.095, Florida Statutes, are amended to read:

7           288.095 Economic Development Trust Fund.--

8           (3)

9           (b) The total amount of tax refund claims approved for  
10 payment by the Office of Tourism, Trade, and Economic  
11 Development based on actual project performance may not exceed  
12 the amount appropriated to the Economic Development Incentives  
13 Account for such purposes for the fiscal year. In the event  
14 the Legislature does not appropriate an amount sufficient to  
15 satisfy estimates ~~projections~~ by the office for tax refunds  
16 under ss. 288.1045 and 288.106 in a fiscal year, the Office of  
17 Tourism, Trade, and Economic Development shall, not later than  
18 July 15 of such year, determine the proportion of each refund  
19 claim which shall be paid by dividing the amount appropriated  
20 for tax refunds for the fiscal year by the estimated ~~projected~~  
21 total of refund claims for the fiscal year. The amount of each  
22 claim for a tax refund shall be multiplied by the resulting  
23 quotient. If, after the payment of all such refund claims,  
24 funds remain in the Economic Development Incentives Account  
25 for tax refunds, the office shall recalculate the proportion  
26 for each refund claim and adjust the amount of each claim  
27 accordingly.

28           (c) By December 31 ~~September 30~~ of each year,  
29 Enterprise Florida, Inc., ~~the Office of Tourism, Trade, and~~  
30 ~~Economic Development~~ shall submit a complete and detailed  
31 report to the Governor, the President of the Senate, the

1 Speaker of the House of Representatives, and the director of  
2 the Office of Tourism, Trade, and Economic Development board  
3 ~~of directors of Enterprise Florida, Inc., created under part~~  
4 ~~VII of this chapter,~~of all applications received,  
5 recommendations made to the Office of Tourism, Trade, and  
6 Economic Development,final decisions issued, tax refund  
7 agreements executed, and tax refunds paid or other payments  
8 made under all programs funded out of the Economic Development  
9 Incentives Account, including analyses of benefits and costs,  
10 types of projects supported, and employment and investment  
11 created. Enterprise Florida, Inc.,~~The Office of Tourism,~~  
12 ~~Trade, and Economic Development~~ shall also include a separate  
13 analysis of the impact of such tax refunds on state enterprise  
14 zones designated pursuant to s. 290.0065, rural communities,  
15 brownfield areas, and distressed urban communities. By  
16 ~~December 1 of each year, the board of directors of Enterprise~~  
17 ~~Florida, Inc., shall review and comment on the report, and the~~  
18 ~~board shall submit the report, together with the comments of~~  
19 ~~the board, to the Governor, the President of the Senate, and~~  
20 ~~the Speaker of the House of Representatives.~~The report must  
21 discuss whether the authority and moneys appropriated by the  
22 Legislature to the Economic Development Incentives Account  
23 were managed and expended in a prudent, fiducially sound  
24 manner. The Office of Tourism, Trade, and Economic Development  
25 shall assist Enterprise Florida, Inc., in the collection of  
26 data related to business performance and incentive payments.

27 Section 3. Section 288.1045, Florida Statutes, is  
28 amended to read:

29 288.1045 ~~Qualified defense contractor~~ Tax refund  
30 program for qualified defense contractors and  
31 aviation-industry businesses.--

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

2           (a) "Consolidation of a Department of Defense  
3 contract" means the consolidation of one or more of an  
4 applicant's facilities under one or more Department of Defense  
5 contracts either from outside this state or from inside and  
6 outside this state, into one or more of the applicant's  
7 facilities inside this state.

8           (b) "Average wage in the area" means the average of  
9 all wages and salaries in the state, the county, or in the  
10 standard metropolitan area in which the business unit is  
11 located.

12           (c) "Applicant" means any business entity that holds a  
13 valid Department of Defense contract,~~or~~ any business entity  
14 that is a subcontractor under a valid Department of Defense  
15 contract,~~or~~ any business entity that holds a valid contract  
16 for the reuse of a defense-related facility, or any  
17 aviation-industry business as defined in paragraph (r),  
18 including all members of an affiliated group of corporations  
19 as defined in s. 220.03(1)(b).

20           (d) "Office" means the Office of Tourism, Trade, and  
21 Economic Development.

22           (e) "Department of Defense contract" means a  
23 competitively bid Department of Defense contract or a  
24 competitively bid federal agency contract issued on behalf of  
25 the Department of Defense for manufacturing, assembling,  
26 fabricating, research, development, or design with a duration  
27 of 2 or more years, but excluding any contract to provide  
28 goods, improvements to real or tangible property, or services  
29 directly to or for any particular military base or  
30 installation in this state.

31

1 (f) "New Department of Defense contract" means a  
2 Department of Defense contract entered into after the date  
3 application for certification as a qualified applicant is made  
4 and after January 1, 1994.

5 (g) "Jobs" means full-time equivalent positions,  
6 consistent with the use of such terms by the Agency for  
7 Workforce Innovation ~~Department of Labor and Employment~~  
8 ~~Security~~ for the purpose of unemployment compensation tax,  
9 resulting directly from a project in this state. This number  
10 does not include temporary construction jobs involved with the  
11 construction of facilities for the project.

12 (h) "Nondefense production jobs" means employment  
13 exclusively for activities that, directly or indirectly, are  
14 unrelated to the Department of Defense.

15 (i) "Project" means any business undertaking in this  
16 state under a new Department of Defense contract,  
17 consolidation of a Department of Defense contract, or  
18 conversion of defense production jobs over to nondefense  
19 production jobs or reuse of defense-related facilities. The  
20 term also means any business undertaking in this state by an  
21 aviation-industry business which results in the retention or  
22 creation of jobs in this state and which occurs through a new  
23 multistate competitive aviation-industry contract;  
24 consolidation of multistate operations; conversion of jobs in  
25 aviation-industry operations to nonaviation-industry  
26 operations; or expansion of aviation-industry operations,  
27 which expansion results in an increase of at least 10 percent  
28 in the number of jobs in this state at the business unit.

29 (j) "Qualified applicant" means an applicant that has  
30 been approved by the director to be eligible for tax refunds  
31 pursuant to this section.

1           (k) "Director" means the director of the Office of  
2 Tourism, Trade, and Economic Development.

3           (l) "Taxable year" means the same as in s.  
4 220.03(1)(z).

5           (m) "Fiscal year" means the fiscal year of the state.

6           (n) "Business unit" means an employing unit, as  
7 defined in s. 443.036, that is registered with the Agency for  
8 Workforce Innovation ~~Department of Labor and Employment~~  
9 ~~Security~~ for unemployment compensation purposes or means a  
10 subcategory or division of an employing unit that is accepted  
11 by the Agency for Workforce Innovation ~~Department of Labor and~~  
12 ~~Employment Security~~ as a reporting unit.

13           (o) "Local financial support" means funding from local  
14 sources, public or private, which is paid to the Economic  
15 Development Trust Fund and which is equal to 20 percent of the  
16 annual tax refund for a qualified applicant. Local financial  
17 support may include excess payments made to a utility company  
18 under a designated program to allow decreases in service by  
19 the utility company under conditions, regardless of when  
20 application is made. A qualified applicant may not provide,  
21 directly or indirectly, more than 5 percent of such funding in  
22 any fiscal year. The sources of such funding may not include,  
23 directly or indirectly, state funds appropriated from the  
24 General Revenue Fund or any state trust fund, excluding tax  
25 revenues shared with local governments pursuant to law.

26           (p) "Contract for reuse of a defense-related facility"  
27 means a contract with a duration of 2 or more years for the  
28 use of a facility for manufacturing, assembling, fabricating,  
29 research, development, or design of tangible personal  
30 property, but excluding any contract to provide goods,  
31 improvements to real or tangible property, or services



1 directly to or for any particular military base or  
2 installation in this state. Such facility must be located  
3 within a port, as defined in s. 313.21, and have been occupied  
4 by a business entity that held a valid Department of Defense  
5 contract or occupied by any branch of the Armed Forces of the  
6 United States, within 1 year of any contract being executed  
7 for the reuse of such facility. A contract for reuse of a  
8 defense-related facility may not include any contract for  
9 reuse of such facility for any Department of Defense contract  
10 for manufacturing, assembling, fabricating, research,  
11 development, or design.

12 (q) "Local financial support exemption option" means  
13 the option to exercise an exemption from the local financial  
14 support requirement available to any applicant whose project  
15 is located in a county designated by the Rural Economic  
16 Development Initiative, if the county commissioners of the  
17 county in which the project will be located adopt a resolution  
18 requesting that the applicant's project be exempt from the  
19 local financial support requirement. Any applicant that  
20 exercises this option is not eligible for more than 80 percent  
21 of the total tax refunds allowed such applicant under this  
22 section.

23 (r) "Aviation-industry business" means a business  
24 engaged in activities that support general or commercial  
25 aviation, including the construction, repair, or maintenance  
26 of aircraft, aircraft power plants, aircraft parts, or  
27 aircraft accessories. The term does not include a business  
28 engaged in the provision of instruction in flying and related  
29 ground subjects.

30 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

31

1           (a) There shall be allowed, from the Economic  
2 Development Trust Fund, a refund to a qualified applicant for  
3 the amount of eligible taxes certified by the director which  
4 were paid by such qualified applicant. The total amount of  
5 refunds for all fiscal years for each qualified applicant  
6 shall be determined pursuant to subsection (3). The annual  
7 amount of a refund to a qualified applicant shall be  
8 determined pursuant to subsection (5).

9           (b) A qualified applicant may not be qualified for any  
10 project to receive more than \$5,000 times the number of jobs  
11 provided in the tax refund agreement pursuant to subparagraph  
12 (4)(a)1. A qualified applicant may not receive refunds of more  
13 than 25 percent of the total tax refunds provided in the tax  
14 refund agreement pursuant to subparagraph (4)(a)1. in any  
15 fiscal year, provided that no qualified applicant may receive  
16 more than \$2.5 million in tax refunds pursuant to this section  
17 in any fiscal year.

18           (c) A qualified applicant may not receive more than  
19 \$7.5 million in tax refunds pursuant to this section in all  
20 fiscal years.

21           (d) Contingent upon an annual appropriation by the  
22 Legislature, the director may approve not more in tax refunds  
23 than the amount appropriated to the Economic Development Trust  
24 Fund for tax refunds, for a fiscal year pursuant to subsection  
25 (5) and s. 288.095.

26           (e) For the first 6 months of each fiscal year, the  
27 director shall set aside 30 percent of the amount appropriated  
28 for refunds pursuant to this section by the Legislature to  
29 provide tax refunds only to qualified applicants who employ  
30 500 or fewer full-time employees in this state. Any  
31 unencumbered funds remaining undisbursed from this set-aside

1 at the end of the 6-month period may be used to provide tax  
2 refunds for any qualified applicants pursuant to this section.

3 (f) After entering into a tax refund agreement  
4 pursuant to subsection (4), a qualified applicant may receive  
5 refunds from the Economic Development Trust Fund for the  
6 following taxes due and paid by the qualified applicant  
7 beginning with the applicant's first taxable year that begins  
8 after entering into the agreement:

9 1. Taxes on sales, use, and other transactions paid  
10 pursuant to chapter 212.

11 2. Corporate income taxes paid pursuant to chapter  
12 220.

13 3. Intangible personal property taxes paid pursuant to  
14 chapter 199.

15 4. Emergency excise taxes paid pursuant to chapter  
16 221.

17 5. Excise taxes paid on documents pursuant to chapter  
18 201.

19 6. Ad valorem taxes paid, as defined in s.  
20 220.03(1)(a) on June 1, 1996.

21 7. Aviation fuel taxes paid pursuant to s. 206.9825 by  
22 a qualified aviation-industry business.

23  
24 However, a qualified applicant may not receive a tax refund  
25 pursuant to this section for any amount of credit, refund, or  
26 exemption granted such contractor or aviation-industry  
27 business for any of such taxes. If a refund for such taxes is  
28 provided by the office, which taxes are subsequently adjusted  
29 by the application of any credit, refund, or exemption granted  
30 to the qualified applicant other than that provided in this  
31 section, the qualified applicant shall reimburse the Economic

1 Development Trust Fund for the amount of such credit, refund,  
2 or exemption. A qualified applicant must notify and tender  
3 payment to the office within 20 days after receiving a credit,  
4 refund, or exemption, other than that provided in this  
5 section.

6 (g) Any qualified applicant who fraudulently claims  
7 this refund is liable for repayment of the refund to the  
8 Economic Development Trust Fund plus a mandatory penalty of  
9 200 percent of the tax refund which shall be deposited into  
10 the General Revenue Fund. Any qualified applicant who  
11 fraudulently claims this refund commits a felony of the third  
12 degree, punishable as provided in s. 775.082, s. 775.083, or  
13 s. 775.084.

14 (h) Funds made available pursuant to this section may  
15 not be expended in connection with the relocation of a  
16 business from one community to another community in this state  
17 unless the Office of Tourism, Trade, and Economic Development  
18 determines that without such relocation the business will move  
19 outside this state or determines that the business has a  
20 compelling economic rationale for the relocation which creates  
21 additional jobs.

22 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
23 DETERMINATION.--

24 (a) To apply for certification as a qualified  
25 applicant pursuant to this section, an applicant must file an  
26 application with the office which satisfies the requirements  
27 of paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~  
28 paragraphs (d) and (e), or paragraphs (j) and (k). An  
29 applicant may not apply for certification pursuant to this  
30 section after a proposal has been submitted for a new  
31 Department of Defense contract, after the applicant has made

1 the decision to consolidate an existing Department of Defense  
2 contract in this state for which such applicant is seeking  
3 certification, or after the applicant has made the decision to  
4 convert defense production jobs to nondefense production jobs  
5 for which such applicant is seeking certification. In the case  
6 of an aviation-industry business, an applicant may not apply  
7 for certification after the business has submitted a final  
8 proposal or bid for a multistate competitive aviation-industry  
9 contract, made the decision to consolidate multistate  
10 operations in this state, made the decision to convert jobs in  
11 aviation-industry operations to nonaviation-industry  
12 operations, or made the decision to expand aviation-industry  
13 operations in this state.

14 (b) Applications for certification based on the  
15 consolidation of a Department of Defense contract or a new  
16 Department of Defense contract must be submitted to the office  
17 as prescribed by the office and must include, but are not  
18 limited to, the following information:

19 1. The applicant's federal employer identification  
20 number, the applicant's Florida sales tax registration number,  
21 and a notarized signature of an officer of the applicant.

22 2. The permanent location of the manufacturing,  
23 assembling, fabricating, research, development, or design  
24 facility in this state at which the project is or is to be  
25 located.

26 3. The Department of Defense contract numbers of the  
27 contract to be consolidated, the new Department of Defense  
28 contract number, or the "RFP" number of a proposed Department  
29 of Defense contract.

30  
31

1           4. The date the contract was executed or is expected  
2 to be executed, and the date the contract is due to expire or  
3 is expected to expire.

4           5. The commencement date for project operations under  
5 the contract in this state.

6           6. The number of net new full-time equivalent Florida  
7 jobs included in ~~this state which are or will be dedicated to~~  
8 the project as of December 31 of each ~~during the~~ year and the  
9 average wage of such jobs.

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

12          8. The percentage of the applicant's gross receipts  
13 derived from Department of Defense contracts during the 5  
14 taxable years immediately preceding the date the application  
15 is submitted.

16          9. The amount of:

17           a. Taxes on sales, use, and other transactions paid  
18 pursuant to chapter 212;

19           b. Corporate income taxes paid pursuant to chapter  
20 220;

21           c. Intangible personal property taxes paid pursuant to  
22 chapter 199;

23           d. Emergency excise taxes paid pursuant to chapter  
24 221;

25           e. Excise taxes paid on documents pursuant to chapter  
26 201; and

27           f. Ad valorem taxes paid

28  
29 during the 5 fiscal years immediately preceding the date of  
30 the application, and the projected amounts of such taxes to be  
31

1 due in the 3 fiscal years immediately following the date of  
2 the application.

3 10. The estimated amount of tax refunds to be claimed  
4 for ~~in~~ each fiscal year.

5 11. A brief statement concerning the applicant's need  
6 for tax refunds, and the proposed uses of such refunds by the  
7 applicant.

8 12. A resolution adopted by the county commissioners  
9 of the county in which the project will be located, which  
10 recommends the applicant be approved as a qualified applicant,  
11 and which indicates that the necessary commitments of local  
12 financial support for the applicant exist. Prior to the  
13 adoption of the resolution, the county commission may review  
14 the proposed public or private sources of such support and  
15 determine whether the proposed sources of local financial  
16 support can be provided or, for any applicant whose project is  
17 located in a county designated by the Rural Economic  
18 Development Initiative, a resolution adopted by the county  
19 commissioners of such county requesting that the applicant's  
20 project be exempt from the local financial support  
21 requirement.

22 13. Any additional information requested by the  
23 office.

24 (c) Applications for certification based on the  
25 conversion of defense production jobs to nondefense production  
26 jobs must be submitted to the office as prescribed by the  
27 office and must include, but are not limited to, the following  
28 information:

29 1. The applicant's federal employer identification  
30 number, the applicant's Florida sales tax registration number,  
31 and a notarized signature of an officer of the applicant.

1           2. The permanent location of the manufacturing,  
2 assembling, fabricating, research, development, or design  
3 facility in this state at which the project is or is to be  
4 located.

5           3. The Department of Defense contract numbers of the  
6 contract under which the defense production jobs will be  
7 converted to nondefense production jobs.

8           4. The date the contract was executed, and the date  
9 the contract is due to expire or is expected to expire, or was  
10 canceled.

11           5. The commencement date for the nondefense production  
12 operations in this state.

13           6. The number of net new full-time equivalent Florida  
14 jobs included in ~~this state which are or will be dedicated to~~  
15 the nondefense production project as of December 31 of each  
16 ~~during the~~ year and the average wage of such jobs.

17           7. The total number of full-time equivalent employees  
18 employed by the applicant in this state.

19           8. The percentage of the applicant's gross receipts  
20 derived from Department of Defense contracts during the 5  
21 taxable years immediately preceding the date the application  
22 is submitted.

23           9. The amount of:

24           a. Taxes on sales, use, and other transactions paid  
25 pursuant to chapter 212;

26           b. Corporate income taxes paid pursuant to chapter  
27 220;

28           c. Intangible personal property taxes paid pursuant to  
29 chapter 199;

30           d. Emergency excise taxes paid pursuant to chapter  
31 221;



1 e. Excise taxes paid on documents pursuant to chapter  
2 201; and

3 f. Ad valorem taxes paid  
4

5 during the 5 fiscal years immediately preceding the date of  
6 the application, and the projected amounts of such taxes to be  
7 due in the 3 fiscal years immediately following the date of  
8 the application.

9 10. The estimated amount of tax refunds to be claimed  
10 for ~~in~~ each fiscal year.

11 11. A brief statement concerning the applicant's need  
12 for tax refunds, and the proposed uses of such refunds by the  
13 applicant.

14 12. A resolution adopted by the county commissioners  
15 of the county in which the project will be located, which  
16 recommends the applicant be approved as a qualified applicant,  
17 and which indicates that the necessary commitments of local  
18 financial support for the applicant exist. Prior to the  
19 adoption of the resolution, the county commission may review  
20 the proposed public or private sources of such support and  
21 determine whether the proposed sources of local financial  
22 support can be provided or, for any applicant whose project is  
23 located in a county designated by the Rural Economic  
24 Development Initiative, a resolution adopted by the county  
25 commissioners of such county requesting that the applicant's  
26 project be exempt from the local financial support  
27 requirement.

28 13. Any additional information requested by the  
29 office.

30 (d) Applications for certification based on a contract  
31 for reuse of a defense-related facility must be submitted to

1 the office as prescribed by the office and must include, but  
2 are not limited to, the following information:

3 1. The applicant's Florida sales tax registration  
4 number and a notarized signature of an officer of the  
5 applicant.

6 2. The permanent location of the manufacturing,  
7 assembling, fabricating, research, development, or design  
8 facility in this state at which the project is or is to be  
9 located.

10 3. The business entity holding a valid Department of  
11 Defense contract or branch of the Armed Forces of the United  
12 States that previously occupied the facility, and the date  
13 such entity last occupied the facility.

14 4. A copy of the contract to reuse the facility, or  
15 such alternative proof as may be prescribed by the office that  
16 the applicant is seeking to contract for the reuse of such  
17 facility.

18 5. The date the contract to reuse the facility was  
19 executed or is expected to be executed, and the date the  
20 contract is due to expire or is expected to expire.

21 6. The commencement date for project operations under  
22 the contract in this state.

23 7. The number of net new full-time equivalent Florida  
24 jobs included ~~in this state which are or will be dedicated to~~  
25 the project as of December 31 of each ~~during the~~ year and the  
26 average wage of such jobs.

27 8. The total number of full-time equivalent employees  
28 employed by the applicant in this state.

29 9. The amount of:

30 a. Taxes on sales, use, and other transactions paid  
31 pursuant to chapter 212.

- 1           b. Corporate income taxes paid pursuant to chapter  
2 220.
- 3           c. Intangible personal property taxes paid pursuant to  
4 chapter 199.
- 5           d. Emergency excise taxes paid pursuant to chapter  
6 221.
- 7           e. Excise taxes paid on documents pursuant to chapter  
8 201.
- 9           f. Ad valorem taxes paid during the 5 fiscal years  
10 immediately preceding the date of the application, and the  
11 projected amounts of such taxes to be due in the 3 fiscal  
12 years immediately following the date of the application.
- 13           10. The estimated amount of tax refunds to be claimed  
14 for ~~in~~ each fiscal year.
- 15           11. A brief statement concerning the applicant's need  
16 for tax refunds, and the proposed uses of such refunds by the  
17 applicant.
- 18           12. A resolution adopted by the county commissioners  
19 of the county in which the project will be located, which  
20 recommends the applicant be approved as a qualified applicant,  
21 and which indicates that the necessary commitments of local  
22 financial support for the applicant exist. Prior to the  
23 adoption of the resolution, the county commission may review  
24 the proposed public or private sources of such support and  
25 determine whether the proposed sources of local financial  
26 support can be provided or, for any applicant whose project is  
27 located in a county designated by the Rural Economic  
28 Development Initiative, a resolution adopted by the county  
29 commissioners of such county requesting that the applicant's  
30 project be exempt from the local financial support  
31 requirement.

1           13. Any additional information requested by the  
2 office.

3           (e) To qualify for review by the office, the  
4 application of an applicant under paragraph (b), paragraph  
5 (c), or paragraph (d) must, at a minimum, establish the  
6 following to the satisfaction of the office:

7           1. The jobs proposed to be provided under the  
8 application, pursuant to subparagraph (b)6. or subparagraph  
9 (c)6., must pay an estimated annual average wage equaling at  
10 least 115 percent of the average wage in the area where the  
11 project is to be located.

12           2. The consolidation of a Department of Defense  
13 contract must result in a net increase of at least 25 percent  
14 in the number of jobs at the applicant's facilities in this  
15 state or the addition of at least 80 jobs at the applicant's  
16 facilities in this state.

17           3. The conversion of defense production jobs to  
18 nondefense production jobs must result in net increases in  
19 nondefense employment at the applicant's facilities in this  
20 state.

21           4. The Department of Defense contract cannot allow the  
22 business to include the costs of relocation or retooling in  
23 its base as allowable costs under a cost-plus, or similar,  
24 contract.

25           5. A business unit of the applicant must have derived  
26 not less than 70 percent of its gross receipts in this state  
27 from Department of Defense contracts over the applicant's last  
28 fiscal year, and must have derived not less than 80 percent of  
29 its gross receipts in this state from Department of Defense  
30 contracts over the 5 years preceding the date an application  
31 is submitted pursuant to this section. This subparagraph does

1 not apply to any application for certification based on a  
2 contract for reuse of a defense-related facility.

3 6. The reuse of a defense-related facility must result  
4 in the creation of at least 100 jobs at such facility.

5 (f) Each application meeting the requirements of  
6 paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~ paragraphs  
7 (d) and (e), or paragraphs (j) and (k) must be submitted to  
8 the office for a determination of eligibility. The office  
9 shall review, evaluate, and score each application based on,  
10 but not limited to, the following criteria:

11 1. Expected contributions to the state strategic  
12 economic development plan adopted by Enterprise Florida, Inc.,  
13 taking into account the extent to which the project  
14 contributes to the state's high-technology base, and the  
15 long-term impact of the project and the applicant on the  
16 state's economy.

17 2. The economic benefit of the jobs created or  
18 retained by the project in this state, taking into account the  
19 cost and average wage of each job created or retained, and the  
20 potential risk to existing jobs.

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

23 4. The local commitment and support for the project  
24 and applicant.

25 5. The impact of the project on the local community,  
26 taking into account the unemployment rate for the county where  
27 the project will be located.

28 6. The dependence of the local community on the  
29 defense industry.

30 7. The impact of any tax refunds granted pursuant to  
31 this section on the viability of the project and the

1 probability that the project will occur in this state if such  
2 tax refunds are granted to the applicant, taking into account  
3 the expected long-term commitment of the applicant to economic  
4 growth and employment in this state.

5 8. The length of the project, or the expected  
6 long-term commitment to this state resulting from the project.

7 (g) The office shall forward its written findings and  
8 evaluation on each application meeting the requirements of  
9 paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~ paragraphs  
10 (d) and (e), or paragraphs (j) and (k) to the director within  
11 60 calendar days after ~~of~~ receipt of a complete application.  
12 The office shall notify each applicant when its application is  
13 complete, and when the 60-day period begins. In its written  
14 report to the director, the office shall specifically address  
15 each of the factors specified in paragraph (f), and shall make  
16 a specific assessment with respect to the minimum requirements  
17 established in paragraph (e) or paragraph (k). The office  
18 shall include in its report projections of the tax refunds the  
19 business would be eligible to receive ~~refund claims that will~~  
20 ~~be sought by the applicant~~ in each fiscal year based on the  
21 creation and maintenance of the net new Florida jobs specified  
22 in subparagraphs (b)6., (c)6., (d)7., or (j)4. or the  
23 retention and maintenance of the net retained Florida jobs  
24 specified in subparagraph (j)4., as of December 31 of the  
25 preceding state fiscal year ~~information submitted in the~~  
26 ~~application.~~

27 (h) Within 30 days after receipt of the office's  
28 findings and evaluation, the director shall issue a letter of  
29 certification which ~~enter a final order that~~ either approves  
30 or disapproves an application. The decision must be in writing  
31 and provide the justifications for either approval or

1 disapproval. If appropriate, the director shall enter into a  
2 written agreement with the qualified applicant pursuant to  
3 subsection (4).

4 (i) The director may not certify ~~enter any final order~~  
5 ~~that certifies~~ any applicant as a qualified applicant when the  
6 value of tax refunds to be included in that letter of  
7 certification ~~final order~~ exceeds the available amount of  
8 authority to certify new businesses ~~enter final orders~~ as  
9 determined in s. 288.095(3). A letter of certification ~~final~~  
10 ~~order~~ that approves an application must specify the maximum  
11 amount of a tax refund that is to be available to the  
12 contractor or aviation-industry business for ~~in~~ each fiscal  
13 year and the total amount of tax refunds for all fiscal years.

14 (j) Applications for certification from  
15 aviation-industry businesses must be submitted to the office  
16 no later than June 30, 2003, as prescribed by the office and  
17 under the conditions contained in paragraph (3)(a), and must  
18 include, but are not limited to, the following information:

19 1. The applicant's federal employer identification  
20 number, the applicant's Florida sales tax registration number,  
21 the applicant's unemployment compensation account number, and  
22 a notarized signature of an officer of the applicant.

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

25 3. A description of the type of business activity or  
26 product covered by this project. In addition, an  
27 aviation-industry business must submit, in a manner prescribed  
28 by the office, detailed information on the contract,  
29 consolidation, conversion, or expansion activity that will  
30 provide the basis for tax refunds, as provided in paragraphs  
31 (1)(i) and (3)(a). The office, using criteria developed by the

1 office in conjunction with Enterprise Florida, Inc., must  
2 determine whether the activity satisfies the requirements of  
3 paragraphs (1)(i) and (3)(a).

4 4. The number of net new or net retained full-time  
5 equivalent Florida jobs included in the project as of December  
6 31 of each year and the average wage of such jobs.

7 5. The total number of full-time equivalent employees  
8 employed by the applicant in this state as of the date of  
9 application.

10 6. The anticipated commencement date of the project.

11 7. A brief statement concerning the applicant's need  
12 for tax refunds and concerning the role that the tax refunds  
13 will play in the decision of the applicant to secure a new  
14 contract, consolidate operations, convert to  
15 nonaviation-industry operations, or expand aviation-industry  
16 operations, as provided in paragraph (3)(a).

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

20 9. A resolution adopted by the governing body 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 qualified aviation-industry businesses and  
24 states that the commitments of local financial support  
25 necessary for the aviation-industry business exist. Before  
26 passage of the resolution, the office may also accept an  
27 official letter from an authorized local economic development  
28 agency that endorses the proposed aviation-industry project  
29 and pledges that sources of local financial support for such  
30 project exist. For the purposes of making pledges of local  
31 financial support under this subsection, the authorized local



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

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

6 (k) To qualify for review by the office, the  
7 application of an aviation-industry business must, at a  
8 minimum, establish the following to the satisfaction of the  
9 office:

10 1. The jobs proposed to be provided under the  
11 application, pursuant to subparagraph (j)4., must pay an  
12 estimated annual average wage equaling at least 100 percent of  
13 the average private-sector wage in the area where the business  
14 is to be located or the statewide private-sector average wage.  
15 The office may waive this average wage requirement at the  
16 request of the local governing body recommending the project  
17 and Enterprise Florida, Inc. The wage requirement may only be  
18 waived for a project located in a brownfield area designated  
19 under s. 376.80, in a rural city or county as defined in s.  
20 288.106(1), or in an enterprise zone as designated under s.  
21 290.0065 and only when the merits of the individual project or  
22 the specific circumstances in the community in relationship to  
23 the project warrant such action. If the local governing body  
24 and Enterprise Florida, Inc., make such a request, they must  
25 transmit it in writing and explain the specific justification  
26 for the waiver request. If the director elects to waive the  
27 wage requirements, the director must state the waiver in  
28 writing and must explain the reasons for granting the waiver.

29 2. The aviation-industry business's project must  
30 result in the retention or creation of at least 5 jobs at such  
31 project and, if an expansion of an existing business, must

1 result in a net increase in employment of not less than 10  
2 percent at such business. At the request of the local  
3 governing body recommending the project and Enterprise  
4 Florida, Inc., the office may define an "expansion of an  
5 existing business" for purposes of a rural community, as  
6 defined in s. 288.106(1), or an enterprise zone as the  
7 expansion of a business resulting in a net increase in  
8 employment of less than 10 percent at such business if the  
9 merits of the individual project or the specific circumstances  
10 in the community in relationship to the project warrant such  
11 action. If the local governing body and Enterprise Florida,  
12 Inc., make such a request, they must transmit it in writing  
13 and explain the specific justification for the request. If the  
14 director elects to grant such request, the director must state  
15 such election in writing and must explain the reason for  
16 granting the request.

17 3. In the case of an application based on the  
18 retention of jobs in this state, the aviation-industry  
19 business must demonstrate, and the office must determine, that  
20 the jobs that are to provide a basis for tax refunds are at  
21 imminent risk of being lost to the state and that  
22 certification as a qualified aviation-industry business under  
23 this section is a significant factor in the retention of those  
24 jobs.

25 (1)(j) This section does not create a presumption that  
26 an applicant should receive any tax refunds under this  
27 section.

28 (4) ~~QUALIFIED DEFENSE CONTRACTOR TAX REFUND~~  
29 ~~AGREEMENT.--~~

30  
31

1 (a) A qualified applicant shall enter into a written  
2 agreement with the office containing, but not limited to, the  
3 following:

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

13 2. The maximum amount of a refund that the qualified  
14 applicant is eligible to receive for ~~in~~ each fiscal year,  
15 based on the job creation or retention and maintenance  
16 schedule specified in subparagraph 1.

17 3. An agreement with the office allowing the office to  
18 review and verify the financial and personnel records of the  
19 qualified applicant to ascertain whether the qualified  
20 applicant is complying with the requirements of this section.

21 4. The date by ~~after~~ which, in each fiscal year, the  
22 qualified applicant may file a ~~an annual~~ claim pursuant to  
23 subsection (5) to be considered to receive a tax refund in the  
24 following fiscal year.

25 5. That local financial support shall be annually  
26 available and will be paid to the Economic Development Trust  
27 Fund.

28 (b) Compliance with the terms and conditions of the  
29 agreement is a condition precedent for receipt of tax refunds  
30 each year. The failure to comply with the terms and conditions  
31 of the agreement shall result in the loss of eligibility for

1 receipt of all tax refunds previously authorized pursuant to  
2 this section, and the revocation of the certification as a  
3 qualified applicant by the director, unless the applicant is  
4 eligible to receive and elects to accept a prorated refund  
5 under paragraph (5)(g) or the office grants the qualified  
6 applicant an economic-stimulus exemption.

7 1. A qualified applicant may submit, in writing, a  
8 request to the office for an economic-stimulus exemption. The  
9 request must provide quantitative evidence demonstrating how  
10 negative economic conditions in the qualified applicant's  
11 industry, or specific acts of terrorism affecting the  
12 qualified applicant, have prevented the business from  
13 complying with the terms and conditions of its tax refund  
14 agreement.

15 2. Upon receipt of a request under subparagraph 1.,  
16 the director shall have 45 days to notify the requesting  
17 qualified applicant, in writing, whether its exemption has  
18 been granted or denied. In determining whether an exemption  
19 should be granted, the director shall consider the extent to  
20 which negative economic conditions in the requesting qualified  
21 applicant's industry, or specific acts of terrorism affecting  
22 the qualified applicant, have prevented the business from  
23 complying with the terms and conditions of its tax refund  
24 agreement.

25 3. As a condition for receiving a prorated refund  
26 under paragraph (5)(g) or an economic-stimulus exemption under  
27 this paragraph, a qualified applicant must agree to  
28 renegotiate its tax refund agreement with the office to, at a  
29 minimum, ensure that the terms of the agreement comply with  
30 current law and office procedures governing application for  
31 and award of tax refunds. Upon approving the award of a

1 prorated refund or granting an economic-stimulus exemption,  
2 the office shall renegotiate the tax refund agreement with the  
3 qualified applicant as required by this subparagraph. When  
4 amending the agreement of a qualified applicant receiving an  
5 economic-stimulus exemption, the office may extend the  
6 duration of the agreement for a period not to exceed 1 year.

7 4. A qualified applicant may submit a request for an  
8 economic-stimulus exemption to the office in lieu of any tax  
9 refund claim scheduled to be submitted after June 30, 2001,  
10 but before July 1, 2003.

11 5. A qualified applicant that receives an  
12 economic-stimulus exemption may not receive a tax refund for  
13 the period covered by the exemption.

14 (c) The agreement shall be signed by the director and  
15 the authorized officer of the qualified applicant.

16 (d) The agreement must contain the following legend,  
17 clearly printed on its face in bold type of not less than 10  
18 points:

19  
20 "This agreement is neither a general obligation  
21 of the State of Florida, nor is it backed by  
22 the full faith and credit of the State of  
23 Florida. Payment of tax refunds are conditioned  
24 on and subject to specific annual  
25 appropriations by the Florida Legislature of  
26 funds sufficient to pay amounts authorized in  
27 s. 288.1045, Florida Statutes."  
28

29 (5) ANNUAL CLAIM FOR REFUND ~~FROM A QUALIFIED DEFENSE~~  
30 ~~CONTRACTOR.~~--  
31

1           (a) To be eligible to claim any scheduled tax refund,  
2 qualified applicants who have entered into a written agreement  
3 with the office pursuant to subsection (4) and who have  
4 entered into a valid new Department of Defense contract,  
5 commenced the consolidation of a Department of Defense  
6 contract, commenced the conversion of defense production jobs  
7 to nondefense production jobs, ~~or who have~~ entered into a  
8 valid contract for reuse of a defense-related facility, or  
9 commenced a qualified aviation-industry project must ~~may~~ apply  
10 by January 31 of ~~once~~ each fiscal year to the office for tax  
11 refunds scheduled to be paid from the appropriation for the  
12 fiscal year that begins on July 1 following the January 31  
13 claims-submission date. The office may, upon written request,  
14 grant a 30-day extension of the filing date. The application  
15 ~~must be made on or after the date contained in the agreement~~  
16 ~~entered into pursuant to subsection (4) and~~ must include a  
17 notarized signature of an officer of the applicant.

18           (b) The claim for refund by the qualified applicant  
19 must include a copy of all receipts pertaining to the payment  
20 of taxes for which a refund is sought, and data related to  
21 achieving each performance item contained in the tax refund  
22 agreement pursuant to subsection (4). The amount requested as  
23 a tax refund may not exceed the amount for the relevant fiscal  
24 year in the written agreement entered pursuant to subsection  
25 (4).

26           (c) A tax refund may not be approved for any qualified  
27 applicant unless local financial support has been paid to the  
28 Economic Development Trust Fund for ~~in~~ that refund ~~fiscal~~  
29 ~~year~~. If the local financial support is less than 20 percent  
30 of the approved tax refund, the tax refund shall be reduced.  
31 The tax refund paid may not exceed 5 times the local financial

1 support received. Funding from local sources includes tax  
2 abatement under s. 196.1995 provided to a qualified applicant.  
3 The amount of any tax refund for an applicant approved under  
4 this section shall be reduced by the amount of any such tax  
5 abatement, and the limitations in subsection (2) and paragraph  
6 (3)(h) shall be reduced by the amount of any such tax  
7 abatement. A report listing all sources of the local financial  
8 support shall be provided to the office when such support is  
9 paid to the Economic Development Trust Fund.

10 (d) The director, with assistance from the office, the  
11 Department of Revenue, and the Agency for Workforce Innovation  
12 ~~Department of Labor and Employment Security~~, shall, by June 30  
13 following the scheduled date for submitting the tax-refund  
14 claim, specify by written order the approval or disapproval of  
15 the tax refund claim and, if approved, determine the amount of  
16 the tax refund that is authorized to be paid to for the  
17 qualified applicant for the ~~fiscal year in a written final~~  
18 ~~order within 30 days after the date the claim for the annual~~  
19 ~~tax refund is received by the office.~~ The office may grant an  
20 extension of this date upon the request of the qualified  
21 applicant for the purpose of filing additional information in  
22 support of the claim.

23 (e) The total amount of tax refunds approved by the  
24 director under this section in any fiscal year may not exceed  
25 the amount appropriated to the Economic Development Trust Fund  
26 for such purposes for the fiscal year. If the Legislature does  
27 not appropriate an amount sufficient to satisfy projections by  
28 the office for tax refunds in a fiscal year, the director  
29 shall, not later than July 15 of such year, determine the  
30 proportion of each refund claim which shall be paid by  
31 dividing the amount appropriated for tax refunds for the

1 fiscal year by the projected total amount of refund claims for  
2 the fiscal year. The amount of each claim for a tax refund  
3 shall be multiplied by the resulting quotient. If, after the  
4 payment of all such refund claims, funds remain in the  
5 Economic Development Trust Fund for tax refunds, the director  
6 shall recalculate the proportion for each refund claim and  
7 adjust the amount of each claim accordingly.

8 (f) Upon approval of the tax refund pursuant to  
9 paragraphs (c) and (d), the Comptroller shall issue a warrant  
10 for the amount included in the written ~~final~~ order. In the  
11 event of any appeal of the written ~~final~~ order, the  
12 Comptroller may not issue a warrant for a refund to the  
13 qualified applicant until the conclusion of all appeals of the  
14 written ~~final~~ order.

15 (g) A prorated tax refund, less a 5 percent penalty,  
16 shall be approved for a qualified applicant provided all other  
17 applicable requirements have been satisfied and the applicant  
18 proves to the satisfaction of the director that it has  
19 achieved at least 80 percent of its projected employment and  
20 that the average wage paid by the business is at least 90  
21 percent of the average wage specified in the tax refund  
22 agreement, but in no case less than 115 percent, or 100  
23 percent in the case of a qualified aviation-industry business,  
24 of the average private-sector wage in the area available at  
25 the time of the claim. The prorated tax refund shall be  
26 calculated by multiplying the tax refund amount for which the  
27 qualified applicant would have been eligible, if all  
28 applicable requirements had been satisfied, by the percentage  
29 of the average employment specified in the tax refund  
30 agreement which was achieved, and by the percentage of the

31



1 average wages specified in the tax refund agreement which was  
2 achieved.

3 (h) This section does not create a presumption that a  
4 tax refund claim will be approved and paid.

5 (6) ADMINISTRATION.--

6 (a) The office may adopt rules pursuant to chapter 120  
7 for the administration of this section.

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

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

23 (d) By December 1 of each year, the office shall  
24 submit a complete and detailed report to the Governor, the  
25 President of the Senate, and the Speaker of the House of  
26 Representatives of all tax refunds paid under this section,  
27 including analyses of benefits and costs, types of projects  
28 supported, employment and investment created, geographic  
29 distribution of tax refunds granted, and minority business  
30 participation. The report must indicate whether the moneys  
31 appropriated by the Legislature to the qualified applicant tax

1 refund program were expended in a prudent, fiducially sound  
2 manner.

3 (e) Funds specifically appropriated for the tax refund  
4 program under this section may not be used for any purpose  
5 other than the payment of tax refunds authorized by this  
6 section.

7 (7) EXPIRATION.--An applicant may not be certified as  
8 qualified under this section after June 30, 2004.

9 Section 4. Paragraphs (a) and (d) of subsection (3),  
10 paragraphs (a), (b), and (c) of subsection (4), and  
11 subsections (5) and (6) of section 288.106, Florida Statutes,  
12 are amended, and subsection (7) of that section is reenacted,  
13 to read:

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

16 (3) APPLICATION AND APPROVAL PROCESS.--

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

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

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

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

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

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

11           6. The anticipated commencement date of the project.

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

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

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

31

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

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

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

22 (4) TAX REFUND AGREEMENT.--

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

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

1 ~~information must be the same as the information contained in~~  
2 ~~the application submitted by the business under subsection~~  
3 ~~(3).~~

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

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

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

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

25           (b) Compliance with the terms and conditions of the  
26 agreement is a condition precedent for the receipt of a tax  
27 refund each year. The failure to comply with the terms and  
28 conditions of the tax refund agreement results in the loss of  
29 eligibility for receipt of all tax refunds previously  
30 authorized under this section and the revocation by the  
31 director of the certification of the business entity as a

1 qualified target industry business, unless the business is  
2 eligible to receive and elects to accept a prorated refund  
3 under paragraph (5)(d) or the office grants the business an  
4 economic-stimulus exemption.

5 1. A qualified target industry business may submit, in  
6 writing, a request to the office for an economic-stimulus  
7 exemption. The request must provide quantitative evidence  
8 demonstrating how negative economic conditions in the  
9 business's industry, or specific acts of terrorism affecting  
10 the qualified target industry business, have prevented the  
11 business from complying with the terms and conditions of its  
12 tax refund agreement.

13 2. Upon receipt of a request under subparagraph 1.,  
14 the director shall have 45 days to notify the requesting  
15 business, in writing, if its exemption has been granted or  
16 denied. In determining whether an exemption should be granted,  
17 the director shall consider the extent to which negative  
18 economic conditions in the requesting business's industry, or  
19 specific acts of terrorism affecting the qualified target  
20 industry business, have prevented the business from complying  
21 with the terms and conditions of its tax refund agreement.

22 3. As a condition for receiving a prorated refund  
23 under paragraph (5)(d) or an economic-stimulus exemption under  
24 this paragraph, a qualified target industry business must  
25 agree to renegotiate its tax refund agreement with the office  
26 to, at a minimum, ensure that the terms of the agreement  
27 comply with current law and office procedures governing  
28 application for and award of tax refunds. Upon approving the  
29 award of a prorated refund or granting an economic-stimulus  
30 exemption, the office shall renegotiate the tax refund  
31 agreement with the business as required by this subparagraph.

1 When amending the agreement of a business receiving an  
2 economic-stimulus exemption, the office may extend the  
3 duration of the agreement for a period not to exceed 1 year.

4 4. A qualified target industry business may submit a  
5 request for an economic-stimulus exemption to the office in  
6 lieu of any tax refund claim scheduled to be submitted after  
7 June 30, 2001, but before July 1, 2003.

8 5. A qualified target industry business that receives  
9 an economic-stimulus exemption may not receive a tax refund  
10 for the period covered by the exemption.

11 (c) The agreement must be signed by the director and  
12 by an authorized officer of the qualified target industry  
13 business within 120 days after the issuance of the letter of  
14 certification under subsection (3), but not before passage and  
15 receipt of the resolution of local financial support. The  
16 office may grant an extension of this period at the written  
17 request of the qualified target industry business.

18 (5) ANNUAL CLAIM FOR REFUND.--

19 (a) To be eligible to claim any scheduled tax refund,  
20 a qualified target industry business that has entered into a  
21 tax refund agreement with the office under subsection (4) must  
22 may apply by January 31 of ~~once~~ each fiscal year to the office  
23 for the ~~a~~ tax refund scheduled to be paid from the  
24 appropriation for the fiscal year that begins on July 1  
25 following the January 31 claims-submission date. The office  
26 may, upon written request, grant a 30-day extension of the  
27 filing date.~~The application must be made on or after the date~~  
28 ~~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 the relevant ~~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 for that refund ~~in that~~  
8 ~~fiscal year~~. If the local financial support provided is less  
9 than 20 percent of the approved tax refund, the tax refund  
10 must be reduced. In no event may the tax refund exceed an  
11 amount that is equal to 5 times the amount of the local  
12 financial support received. Further, funding from local  
13 sources includes any tax abatement granted to that business  
14 under s. 196.1995 or the appraised market value of municipal  
15 or county land conveyed or provided at a discount to that  
16 business. The amount of any tax refund for such business  
17 approved under this section must be reduced by the amount of  
18 any such tax abatement granted or the value of the land  
19 granted; and the limitations in subsection (2) and paragraph  
20 (3)(f) must be reduced by the amount of any such tax abatement  
21 or the value of the land granted. A report listing all sources  
22 of the local financial support shall be provided to the office  
23 when such support is paid to the 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 and that the average wage paid by the business is  
30 at least 90 percent of the average wage specified in the tax  
31 refund agreement, but in no case less than 115 percent of the



1 average private-sector wage in the area available at the time  
2 of the claim, or 150 percent or 200 percent of the average  
3 private-sector wage if the business requested the additional  
4 per-job tax refund authorized in paragraph (2)(b) for wages  
5 above those levels. The prorated tax refund shall be  
6 calculated by multiplying the tax refund amount for which the  
7 qualified target industry business would have been eligible,  
8 if all applicable requirements had been satisfied, by the  
9 percentage of the average employment specified in the tax  
10 refund agreement which was achieved, and by the percentage of  
11 the average wages specified in the tax refund agreement which  
12 was achieved.

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

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

30 (g) This section does not create a presumption that a  
31 tax refund claim will be approved and paid.

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

8            (6) ADMINISTRATION.--

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

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

24            (c) Funds specifically appropriated for the tax refund  
25 program for qualified target industry businesses may not be  
26 used for any purpose other than the payment of tax refunds  
27 authorized by this section.

28            (7) EXPIRATION.--This section expires June 30, 2004.

29            Section 5. Paragraph (f) of subsection (2) of section  
30 14.2015, Florida Statutes, is amended to read:

1           14.2015 Office of Tourism, Trade, and Economic  
2 Development; creation; powers and duties.--

3           (2) The purpose of the Office of Tourism, Trade, and  
4 Economic Development is to assist the Governor in working with  
5 the Legislature, state agencies, business leaders, and  
6 economic development professionals to formulate and implement  
7 coherent and consistent policies and strategies designed to  
8 provide economic opportunities for all Floridians. To  
9 accomplish such purposes, the Office of Tourism, Trade, and  
10 Economic Development shall:

11           (f)1. Administer the Florida Enterprise Zone Act under  
12 ss. 290.001-290.016, the community contribution tax credit  
13 program under ss. 220.183 and 624.5105, the tax refund program  
14 for qualified target industry businesses under s. 288.106, the  
15 tax-refund program for qualified defense contractors and  
16 qualified aviation-industry businesses under s. 288.1045,  
17 contracts for transportation projects under s. 288.063, the  
18 sports franchise facility program under s. 288.1162, the  
19 professional golf hall of fame facility program under s.  
20 288.1168, the expedited permitting process under s. 403.973,  
21 the Rural Community Development Revolving Loan Fund under s.  
22 288.065, the Regional Rural Development Grants Program under  
23 s. 288.018, the Certified Capital Company Act under s. 288.99,  
24 the Florida State Rural Development Council, the Rural  
25 Economic Development Initiative, and other programs that are  
26 specifically assigned to the office by law, by the  
27 appropriations process, or by the Governor. Notwithstanding  
28 any other provisions of law, the office may expend interest  
29 earned from the investment of program funds deposited in the  
30 Economic Development Trust Fund, the Grants and Donations  
31 Trust Fund, the Brownfield Property Ownership Clearance

1 Assistance Revolving Loan Trust Fund, and the Economic  
2 Development Transportation Trust Fund to contract for the  
3 administration of the programs, or portions of the programs,  
4 enumerated in this paragraph or assigned to the office by law,  
5 by the appropriations process, or by the Governor. Such  
6 expenditures shall be subject to review under chapter 216.

7         2. The office may enter into contracts in connection  
8 with the fulfillment of its duties concerning the Florida  
9 First Business Bond Pool under chapter 159, tax incentives  
10 under chapters 212 and 220, tax incentives under the Certified  
11 Capital Company Act in chapter 288, foreign offices under  
12 chapter 288, the Enterprise Zone program under chapter 290,  
13 the Seaport Employment Training program under chapter 311, the  
14 Florida Professional Sports Team License Plates under chapter  
15 320, Spaceport Florida under chapter 331, Expedited Permitting  
16 under chapter 403, and in carrying out other functions that  
17 are specifically assigned to the office by law, by the  
18 appropriations process, or by the Governor.

19         Section 6. Paragraph (k) of subsection (7) of section  
20 213.053, Florida Statutes, is amended to read:

21         213.053 Confidentiality and information sharing.--

22         (7) Notwithstanding any other provision of this  
23 section, the department may provide:

24         (k)1. Payment information relative to s. 206.9825 and  
25 chapters 199, 201, 212, 220, ~~and~~ 221, and 624 to the Office of  
26 Tourism, Trade, and Economic Development, or its employees or  
27 agents that are identified in writing by the office to the  
28 department, in the its administration of the tax refund  
29 program for qualified defense contractors and  
30 aviation-industry businesses authorized by s. 288.1045 and the  
31

1 tax refund program for qualified target industry businesses  
2 authorized by s. 288.106.

3 2. Information relative to tax credits taken by a  
4 business under s. 220.191 and exemptions or tax refunds  
5 received by a business under s. 212.08(5)(j) to the Office of  
6 Tourism, Trade, and Economic Development, or its employees or  
7 agents that are identified in writing by the office to the  
8 department, in the administration and evaluation of the  
9 capital investment tax credit program authorized in s. 220.191  
10 and the semiconductor, defense, and space tax exemption  
11 program authorized in s. 212.08(5)(j).

12  
13 Disclosure of information under this subsection shall be  
14 pursuant to a written agreement between the executive director  
15 and the agency. Such agencies, governmental or  
16 nongovernmental, shall be bound by the same requirements of  
17 confidentiality as the Department of Revenue. Breach of  
18 confidentiality is a misdemeanor of the first degree,  
19 punishable as provided by s. 775.082 or s. 775.083.

20 Section 7. Small Business Crisis Management Team.--

21 (1) The Legislature recognizes that periods of  
22 sustained economic weakness, whether associated or  
23 unassociated with events such as the September 11, 2001,  
24 terrorist attacks on the United States, are particularly  
25 difficult for small businesses. Because its economy is  
26 dominated by small businesses, the state is especially  
27 vulnerable to periods of economic weakness. In addition, the  
28 Legislature finds that Enterprise Florida, Inc., as the  
29 principal economic development organization for the state,  
30 works with a diverse network of organizations and therefore is  
31

1 in a unique position to assist small businesses during times  
2 of economic crisis.

3 (2) Enterprise Florida, Inc., is directed to  
4 incorporate into its operations a Small Business Crisis  
5 Management Team that can be activated quickly and for  
6 temporary periods of time to assist small businesses in the  
7 state during periods of economic crisis or sustained economic  
8 weakness. The team shall be comprised of senior staff members  
9 from Enterprise Florida, Inc., appointed by the president of  
10 Enterprise Florida, Inc., as well as representatives of other  
11 organizations who are recruited to serve on the team by the  
12 president of Enterprise Florida, Inc. The purposes of the team  
13 shall include, but not be limited to:

14 (a) Serving as an initial, single point of contact for  
15 small businesses that are attempting to gather information on  
16 the variety of state and federal programs and services  
17 available to them.

18 (b) Publicizing to small businesses information on  
19 federal assistance programs or initiatives, such as the  
20 economic injury loan programs of the U.S. Small Business  
21 Administration.

22 (c) Referring small businesses to organizations, such  
23 as small business development centers, which can provide  
24 one-on-one counseling in business operations or best  
25 practices.

26 (d) Coordinating with the state and regional partners  
27 in the workforce development system, including but not limited  
28 to the REACT unit of the Agency for Workforce Innovation, to  
29 ensure that businesses undergoing layoffs or contemplating  
30 layoffs are aware of economic development incentives or other

31

1 programs and services that may help reduce or avoid the need  
2 for such layoffs.

3 (e) Utilizing the eflorida.com website as a resource  
4 for small businesses to gather current information on  
5 available assistance.

6 (3) The Office of Tourism, Trade, and Economic  
7 Development; Workforce Florida, Inc.; the Agency for Workforce  
8 Innovation; and the Department of Community Affairs shall  
9 assist Enterprise Florida, Inc., with the operation of the  
10 Small Business Crisis Management Team and shall each appoint  
11 at least one staff member to serve as a liaison to the team.

12 (4) In order to provide a focus for the activities of  
13 the Small Business Crisis Management Team, the term "small  
14 business" as used in this section generally shall mean a  
15 business with 25 or fewer employees. Enterprise Florida, Inc.,  
16 however, may provide services under this section to businesses  
17 with more employees if, in its judgment, the economic  
18 conditions or circumstances of the particular business  
19 warrant.

20 Section 8. The sections of this act amending section  
21 443.111, Florida Statutes, and creating section 445.053,  
22 Florida Statutes, may be cited as the "Florida Self-Employment  
23 and Enterprise Development Act."

24 Section 9. Effective October 1, 2002, subsection (8)  
25 is added to section 443.111, Florida Statutes, to read:

26 443.111 Payment of benefits.--

27 (8) SELF-EMPLOYMENT-ASSISTANCE PROGRAM.--

28 (a) Definitions.--As used in this subsection, the  
29 term:

30 1. "Regular benefits" means benefits payable to an  
31 individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and  
2 to ex-service members under 5 U.S.C. chapter 85, other than  
3 extended benefits.

4 2. "Self-employment-assistance allowance" means an  
5 allowance payable in lieu of regular benefits under this  
6 chapter to an individual participating in the  
7 self-employment-assistance program.

8 (b) Authorization and purpose.--There is created  
9 within the Agency for Workforce Innovation a  
10 self-employment-assistance program. The purpose of the program  
11 is to implement authority granted under the Federal  
12 Unemployment Tax Act in 26 U.S.C. s. 3306(t) to provide  
13 allowances in lieu of regular benefits to unemployed  
14 individuals in order to assist these individuals in  
15 establishing new businesses and becoming self-employed.

16 (c) Eligibility.--An unemployed individual is eligible  
17 to participate in the self-employment-assistance program, and  
18 to receive a self-employment-assistance allowance with respect  
19 to any week, if each of the following apply:

20 1. The individual is otherwise eligible to receive  
21 regular benefits.

22 2. The individual is determined to be likely to  
23 exhaust regular benefits using the eligibility-assessment  
24 system established under paragraph (f).

25 3. The individual applies to participate in the  
26 self-employment-assistance program within 60 days after the  
27 individual first filed a valid claim for regular benefits.

28 4. The individual has, on the date of application, a  
29 balance of regular benefits which is at least 18 times the  
30 individual's weekly benefit amount and has at least 18 weeks  
31 remaining in the individual's benefit year.



1           5. The individual is admitted into the  
2 self-employment-assistance program by the Agency for Workforce  
3 Innovation.

4           6. The individual is participating in, or has  
5 completed, the training and counseling programs provided under  
6 paragraph (g).

7           7. The individual is actively engaged full-time in  
8 activities approved by the Agency for Workforce Innovation,  
9 which may include the training and counseling programs  
10 provided under paragraph (g), related to establishing a  
11 business and becoming self-employed.

12           8. The individual has made a claim for a  
13 self-employment-assistance allowance with respect to such week  
14 in accordance with the rules of the Agency for Workforce  
15 Innovation.

16           9. The individual provides the information required by  
17 the Agency for Workforce Innovation, including a log of the  
18 individual's participation in the programs described in  
19 subparagraph 6. and the activities described in subparagraph  
20 7.

21           10. The individual has not participated in the  
22 self-employment-assistance program during a preceding benefit  
23 year.

24           (d) Disqualification.--An individual who fails to  
25 participate in the training and counseling programs provided  
26 under paragraph (g) or who fails to actively engage full-time  
27 in activities related to establishing a business and becoming  
28 self-employed is disqualified for the week the failure occurs.  
29 If an individual is disqualified under this paragraph for 2  
30 consecutive weeks or for any 3 weeks while participating in  
31 the self-employment-assistance program, the individual shall

1 be removed from the program. An individual who is removed or  
2 voluntarily withdraws from the program may receive, if  
3 otherwise eligible, regular benefits with respect to the  
4 individual's benefit year if the sum of the  
5 self-employment-assistance allowances paid to the individual  
6 under this subsection and the regular benefits paid to that  
7 individual under this section during the benefit year do not  
8 exceed the total amount of benefits allowed in subsection (5).

9 (e) Payment and financing of allowances.--

10 1. A self-employment-assistance allowance is payable  
11 to an individual at the same intervals, on the same terms, and  
12 subject to the same conditions as regular benefits, except  
13 that:

14 a. The requirements in s. 443.091(1)(b), relating to  
15 registering for work, do not apply to the individual.

16 b. The requirements in s. 443.091(1)(c), relating to  
17 ability to work and availability for work, do not apply to the  
18 individual.

19 c. The disqualifications in s. 443.101(2), relating to  
20 failing to apply for or accept suitable work, do not apply to  
21 the individual.

22 d. Remuneration paid to the individual derived from  
23 self-employment is not earned income under s. 443.036(16), and  
24 the provisions of this chapter relating to the reduction of  
25 the amount of regular benefits due to receipt of disqualifying  
26 income do not apply to earned income derived from  
27 self-employment by an individual participating in the  
28 self-employment-assistance program and do not affect the  
29 amount of the individual's self-employment-assistance  
30 allowance.

31

1           2. An individual participating in the  
2 self-employment-assistance program is considered to be totally  
3 unemployed under s. 443.036(39).

4           3. An individual's weekly self-employment-assistance  
5 allowance payable under this subsection is equal to the weekly  
6 benefit amount the individual would have otherwise received  
7 for regular benefits under subsection (3) if the individual  
8 had not participated in the self-employment-assistance  
9 program. The sum of the self-employment-assistance allowances  
10 paid to an individual under this subsection and the regular  
11 benefits paid to that individual under this section during any  
12 benefit year may not exceed the total amount of benefits  
13 allowed in subsection (5).

14           4. For an employer from whom the individual received  
15 wage credits in the individual's base period, which employer  
16 is liable for contributions under the contributory system of  
17 financing unemployment compensation benefits, a  
18 self-employment-assistance allowance paid under this  
19 subsection shall not be charged to the account of the  
20 employer. For a reimbursable employer from whom the individual  
21 received wage credits in the individual's base period, an  
22 allowance paid under this subsection shall be charged to the  
23 account of the employer in the same manner provided in s.  
24 443.131 for regular benefits.

25           (f) Eligibility-assessment system.--The Agency for  
26 Workforce Innovation shall establish an eligibility-assessment  
27 system to identify individuals likely to exhaust regular  
28 benefits. This eligibility-assessment system may be, but is  
29 not required to be, the same as the profiling system used to  
30 identify participants in reemployment services under s.  
31 443.091(1)(d).

1       (g) Training and counseling programs.--The Agency for  
2 Workforce Innovation, in conjunction with Workforce Florida,  
3 Inc., shall approve programs that provide entrepreneurial  
4 training, business counseling, and technical assistance for  
5 participants in the self-employment-assistance program.  
6 Workforce Florida, Inc., shall adopt minimum standards for the  
7 training and counseling programs, including the basic elements  
8 of the program curriculum. The Agency for Workforce  
9 Innovation, in conjunction with Workforce Florida, Inc., shall  
10 define the criteria for an individual's completion of the  
11 training and counseling programs. It is the intent of the  
12 Legislature that the training and counseling programs be  
13 provided through contracts with existing providers, such as  
14 Small Business Development Centers, school districts,  
15 community colleges, state universities and colleges, or  
16 independent college and universities. Workforce Florida, Inc.,  
17 shall allocate funds for these training and counseling  
18 programs from funds provided to the workforce system,  
19 including, but not limited to, the federal Workforce  
20 Investment Act block grant and the federal Temporary  
21 Assistance for Needy Families block grant.

22       (h) Participation limit.--The aggregate number of  
23 individuals receiving a self-employment-assistance allowance  
24 under this subsection during any week may not exceed 1 percent  
25 of the number of individuals receiving regular benefits. To  
26 enforce this paragraph, the Agency for Workforce Innovation  
27 may limit admission into the self-employment-assistance  
28 program. The Agency for Workforce Innovation may further limit  
29 admission based on the availability of the training and  
30 counseling programs provided under paragraph (g) or funding  
31 for those programs.

1           (i) Rules.--The Agency for Workforce Innovation shall  
2 adopt rules under ss. 120.536(1) and 120.54 for the  
3 administration of this subsection.

4           (j) Evaluations and recommendations.--The Agency for  
5 Workforce Innovation, in conjunction with Workforce Florida,  
6 Inc., and the regional workforce boards shall conduct a  
7 comprehensive evaluation of the effectiveness of the  
8 self-employment-assistance program operated under this  
9 subsection. By January 1, 2007, the Agency for Workforce  
10 Innovation shall submit a report on such evaluation to the  
11 Governor, the President of the Senate, the Speaker of the  
12 House of Representatives, and the majority and minority  
13 leaders of the Senate and the House of Representatives. The  
14 report must include, at a minimum, the number of individuals  
15 participating in the program and the number of businesses  
16 developed under the program, business survival data, the cost  
17 of operating the program, compliance with program  
18 requirements, data related to business income, the number of  
19 employees and amount of wages paid in the new businesses, the  
20 incidence and duration of unemployment after business startup,  
21 and an evaluation of the Self-Employment-Assistance Loan  
22 Program created under s. 445.053. The report may also include  
23 recommendations as to whether the self-employment-assistance  
24 program should be continued or revised to enhance its  
25 administration or effectiveness.

26           (k) Conflicts.--If there is a conflict between this  
27 subsection and federal requirements and regulations, the  
28 federal requirements and regulations control.

29           (l) Expiration.--This subsection expires July 1, 2007.

30           Section 10. Effective October 1, 2002, section  
31 445.053, Florida Statutes, is created to read:

1           445.053 Self-Employment-Assistance Loan Program.--  
2           (1) The Legislature finds that small enterprises are  
3 vital to the success of the state's economy. The Legislature  
4 further finds that a major barrier to the creation of small  
5 enterprises is restricted access to capital. It is, therefore,  
6 the intent of the Legislature to facilitate access to such  
7 capital in order to spur economic development in the state.  
8           (2) As used in this section, the term:  
9           (a) "Eligible borrower" means:  
10           1. A person who applies for a loan under this section  
11 within 1 year after completing the required training and  
12 counseling programs; or  
13           2. A person who applies for a loan under this section  
14 within 3 years after completing the required training and  
15 counseling programs, who has previously received a loan under  
16 this section, and whose loans under this section total less  
17 than \$10,000.  
18           (b) "Qualified entity" means:  
19           1. A financial institution, as defined in s. 655.005;  
20           2. A nonprofit organization, including, but not  
21 limited to, a microenterprise development organization or a  
22 loan fund, which holds a current exemption from taxation under  
23 s. 501(c)(3) of the Internal Revenue Code of 1986, as amended,  
24 and which has demonstrated fiduciary integrity; or  
25           3. A state or local government agency acting in  
26 cooperation with an organization described in subparagraph 2.  
27           (c) "Required training and counseling programs" means  
28 the training and counseling programs provided under the  
29 self-employment-assistance program in s. 443.111(8)(g).  
30           (3)(a) The agency, in conjunction with Workforce  
31 Florida, Inc., shall establish a Self-Employment-Assistance

1 Loan Program for the purpose of assisting eligible borrowers  
2 with the capitalization of their businesses.

3 (b) Subject to specific legislative appropriation, the  
4 agency shall contract with the qualified entities selected by  
5 Workforce Florida, Inc., to make loans to eligible borrowers  
6 for costs related to the establishment or operation of their  
7 businesses. Repayments of principal and interest may be used  
8 by a qualified entity only to make loans to other eligible  
9 borrowers or to otherwise implement the  
10 Self-Employment-Assistance Loan Program as specified under the  
11 terms and conditions of the contract between the agency and  
12 the qualified entity.

13 (c) Workforce Florida, Inc., shall select one or more  
14 qualified entities and negotiate the terms and conditions of  
15 the contracts with the qualified entities. When selecting a  
16 qualified entity, Workforce Florida, Inc., shall optimize the  
17 use of legislative appropriations by considering the amount of  
18 nonstate funds that will be leveraged and by minimizing the  
19 number of qualified entities selected in order to reduce the  
20 administrative costs of making loans through economies of  
21 scale. These terms and conditions must require a qualified  
22 entity to use loan repayments, upon the expiration or repeal  
23 of this section, for similar loans to assist small enterprises  
24 in this state.

25 (4) For an individual who completes the required  
26 training and counseling programs and receives a loan under  
27 this section, to the maximum extent practicable, the agency,  
28 in conjunction with Workforce Florida, Inc., shall extend the  
29 business counseling and technical assistance provided under s.  
30 443.111(8)(g) during the first year after the individual

31

1 receives the loan, while the individual establishes a business  
2 and becomes self-employed.

3 (5) This section expires 3 years after the expiration  
4 or repeal of the self-employment-assistance program in s.  
5 443.111(8).

6 Section 11. Subsection (1) of section 624.5091,  
7 Florida Statutes, is amended to read:

8 624.5091 Retaliatory provision, insurers.--

9 (1) When by or pursuant to the laws of any other state  
10 or foreign country any taxes, licenses, and other fees, in the  
11 aggregate, and any fines, penalties, deposit requirements, or  
12 other material obligations, prohibitions, or restrictions are  
13 or would be imposed upon Florida insurers or upon the agents  
14 or representatives of such insurers, which are in excess of  
15 such taxes, licenses, and other fees, in the aggregate, or  
16 which are in excess of the fines, penalties, deposit  
17 requirements, or other obligations, prohibitions, or  
18 restrictions directly imposed upon similar insurers, or upon  
19 the agents or representatives of such insurers, of such other  
20 state or country under the statutes of this state, so long as  
21 such laws of such other state or country continue in force or  
22 are so applied, the same taxes, licenses, and other fees, in  
23 the aggregate, or fines, penalties, deposit requirements, or  
24 other material obligations, prohibitions, or restrictions of  
25 whatever kind shall be imposed by the Department of Revenue  
26 upon the insurers, or upon the agents or representatives of  
27 such insurers, of such other state or country doing business  
28 or seeking to do business in this state. In determining the  
29 taxes to be imposed under this section, 80 percent of the  
30 credit provided by s. 624.509(5), as limited by s. 624.509(6)  
31 and further determined by s. 624.509(7), shall not be taken



1 into consideration, except that effective January 1, 2003, 90  
2 percent of such credit shall not be taken into consideration,  
3 and effective January 1, 2004, 100 percent of such credit  
4 shall not be taken into consideration.

5 Section 12. Section 187.101, Florida Statutes, is  
6 amended to read:

7 187.101 Description of plan; legislative intent;  
8 construction and application of plan.--

9 (1) The State Comprehensive Plan shall provide  
10 long-range policy guidance for the orderly social, economic,  
11 and physical growth of the state. It shall be reviewed  
12 biennially by the Legislature, and implementation of its  
13 policies shall require legislative action unless otherwise  
14 specifically authorized by the constitution or law.

15 (2) The highest priorities of the state are to achieve  
16 a diverse, healthy, vibrant, and sustainable economy while  
17 enhancing natural resources and protecting private property  
18 rights. The Legislature recognizes that it is the strength of  
19 the state economy which provides stability in the marketplace,  
20 maximizes diverse job opportunities, and increases earned  
21 income for the workforce. By making strategic  
22 growth-management decisions that improve incomes for the  
23 workforce of the state, there will be greater revenue for  
24 state and local governments. The state will then be in the  
25 best position to invest in the five major expenses of state  
26 and local governments, which are education; infrastructure;  
27 environment; public safety, including international terrorism,  
28 war, criminal justice, and emergencies; and social services,  
29 including affordable housing.

30 ~~(3)~~(2) The State Comprehensive Plan is intended to be  
31 a visionary and direction-setting document. Its policies may

1 be implemented only to the extent that financial resources are  
2 provided pursuant to legislative appropriation or grants or  
3 appropriations of any other public or private entities. The  
4 plan does not create regulatory authority or authorize the  
5 adoption of agency rules, criteria, or standards not otherwise  
6 authorized by law.

7 ~~(4)(3)~~ The goals and policies contained in the State  
8 Comprehensive Plan shall be reasonably applied where they are  
9 economically and environmentally feasible, not contrary to the  
10 public interest, and consistent with the protection of private  
11 property rights. The plan shall be construed and applied as a  
12 whole, and no specific goal or policy in the plan shall be  
13 construed or applied in isolation from the other goals and  
14 policies in the plan.

15 Section 13. Effective July 1, 2002, paragraphs (i) and  
16 (j) are added to subsection (3) of section 288.901, Florida  
17 Statutes, to read:

18 288.901 Enterprise Florida, Inc.; creation;  
19 membership; organization; meetings; disclosure.--

20 (3) Enterprise Florida, Inc., shall be governed by a  
21 board of directors. The board of directors shall consist of  
22 the following members:

23 (i) A representative of a local or regional  
24 economic-development organization or community-development  
25 organization serving a large urban area that contains multiple  
26 economically distressed communities or neighborhoods. The  
27 representative must have experience in working to improve  
28 economic conditions in these communities or neighborhoods. The  
29 representative shall be appointed by the Governor.

30 (j) A representative of a local or regional  
31 economic-development organization or community-development

1 organization serving a rural area that contains multiple  
2 economically distressed communities or neighborhoods. The  
3 representative must have experience in working to improve  
4 economic conditions in these communities or neighborhoods. The  
5 representative shall be appointed by the Governor.

6 Section 14. Subsection (2) of section 288.9015,  
7 Florida Statutes, is amended to read:

8 288.9015 Enterprise Florida, Inc.; purpose; duties.--

9 (2) It shall be the responsibility of Enterprise  
10 Florida, Inc., to aggressively market Florida's rural  
11 communities, economically distressed urban communities, and  
12 enterprise zones as locations for potential new investment, to  
13 aggressively assist in the retention and expansion of existing  
14 businesses in these communities, and to aggressively assist  
15 these communities in the identification and development of new  
16 economic development opportunities for job creation, fully  
17 marketing and facilitating use of state incentive programs  
18 such as the Qualified Target Industry Tax Refund Program under  
19 s. 288.106, ~~and~~ the Quick Action Closing Fund under s.  
20 288.1088, high-impact performance grants under s. 288.108, and  
21 contracts for transportation projects under s. 288.063 in  
22 economically distressed areas.

23 Section 15. Duties of Enterprise Florida, Inc.;  
24 economically distressed communities.--

25 (1) The Legislature finds that achieving meaningful  
26 economic development in the most economically distressed  
27 communities in the state requires a concerted effort by state  
28 and local economic-development organizations, including the  
29 dedication of substantial human and financial resources by  
30 such organizations. The Legislature further finds that,  
31 although it is important for Enterprise Florida, Inc., to

1 incorporate the needs of economically distressed communities  
2 into all of its programs and activities, it is also critical  
3 that Enterprise Florida, Inc., focus special attention on such  
4 communities. It is, therefore, the intent of the Legislature  
5 that Enterprise Florida, Inc., develop and implement a  
6 comprehensive program of activities designed specifically to  
7 facilitate economic development in economically distressed  
8 communities.

9 (2) Enterprise Florida, Inc., shall establish a  
10 programmatic unit within the organization which is dedicated  
11 specifically to facilitating business formation and business  
12 expansion in, as well as business relocation to, economically  
13 distressed communities. One of the principal outcomes of the  
14 programmatic unit should be improved economic conditions in  
15 those communities in the state which have traditionally  
16 experienced less economic-development activity than the  
17 communities in the state which are experiencing the most  
18 economic development activity.

19 (3) In determining whether a community is appropriate  
20 for assistance under this section, Enterprise Florida, Inc.,  
21 shall develop and consider criteria that include, without  
22 limitation, whether:

23 (a) The state has made few or no state  
24 economic-development incentive awards to businesses or  
25 economic-development projects located in the community.

26 (b) The number of new jobs created in the community  
27 lags significantly behind the number of new jobs created in  
28 communities in the state which are experiencing the most  
29 growth and economic activity.

30 (c) The community has a large number of abandoned  
31 business properties.

1           (d) The community has a high rate of unemployment or  
2 underemployment compared to the state average.

3           (e) The community is not currently part of a specific  
4 geographic area targeted for economic revitalization under a  
5 state or federal program, such as the enterprise zone program,  
6 or, if it is part of such an area, whether it has not  
7 experienced marked economic revitalization in the time since  
8 it was designated under the program.

9           (4) As part of its duties under this section,  
10 Enterprise Florida, Inc., shall:

11           (a) Establish at least seven regions around the state,  
12 consistent with the strategic plan developed under section  
13 288.905, Florida Statutes, and assign one new or existing  
14 staff member from the organization per region to serve as a  
15 representative to the region for the specific purpose of  
16 coordinating activities of Enterprise Florida, Inc., designed  
17 to facilitate economic development in economically distressed  
18 communities within that region.

19           1. Each regional representative shall coordinate with  
20 economic-development organizations and community-development  
21 organizations serving the economically distressed communities  
22 in the region, as well as with state agencies that have  
23 programs of potential benefit to such communities.

24           2. Each regional representative shall regularly  
25 coordinate with the business-development representatives of  
26 Enterprise Florida, Inc., to ensure that prospective new,  
27 expanding, or relocating businesses are provided information  
28 concerning potential sites within the economically distressed  
29 communities in the region.

30           3. Each regional representative shall serve as a point  
31 of contact for existing businesses in the economically

1 distressed communities in the region which are seeking  
2 assistance to sustain or expand business operations.

3 4. Enterprise Florida, Inc., shall market the  
4 existence and services of the regional representatives to  
5 local governments, businesses, economic-development  
6 organizations, and community-development organizations within  
7 the regions. At a minimum, Enterprise Florida, Inc., shall  
8 ensure that contact information for the representatives is  
9 available on the website for the organization and in pertinent  
10 marketing materials for the organization.

11 5. As part of the annual report submitted prior to  
12 December 1, 2002, under section 288.906, Florida Statutes,  
13 Enterprise Florida, Inc., shall include recommendations  
14 concerning whether the organization should expand the use of  
15 regional representatives beyond service to economically  
16 distressed communities. This report shall consider whether the  
17 organization should use regional representatives to conduct a  
18 wide variety of business-development activities throughout the  
19 region in order to enhance the organization's service to  
20 businesses, economic-development organizations, and other  
21 customers and to improve the organization's understanding of  
22 the needs of the various regions in the state. If Enterprise  
23 Florida, Inc., recommends greater use of regional  
24 representatives, it shall include in the report information  
25 concerning budget changes it considers necessary to implement  
26 that recommendation.

27 (b) Work with economic-development organizations and  
28 community-development organizations to identify properties in  
29 the economically distressed community which are suitable for  
30 use by expanding or relocating businesses.

31

1           (c) Market properties identified under paragraph (b)  
2 to relocating or expanding businesses.

3           (d) Work with Workforce Florida, Inc., and the Agency  
4 for Workforce Innovation to assess and enhance the workforce  
5 skills of individuals residing in the economically distressed  
6 community, in order to make the community more marketable to  
7 expanding or relocating businesses.

8           (e) Market and use, as fully as practicable, general  
9 economic-development incentives in economically distressed  
10 communities, such as the tax refund program for qualified  
11 target industry businesses under section 288.106, Florida  
12 Statutes; high-impact performance grants under section  
13 288.108, Florida Statutes; the Quick Action Closing Fund under  
14 section 288.1088, Florida Statutes; and contracts for  
15 transportation projects under section 288.063, Florida  
16 Statutes. Enterprise Florida, Inc., also shall market and use,  
17 as fully as practicable, economic-development incentives that  
18 are specifically targeted toward economically distressed  
19 communities, such as the Urban High-Crime Area Job Tax Credit  
20 Program under section 212.097, Florida Statutes, and the Rural  
21 Job Tax Credit Program under section 212.098, Florida  
22 Statutes.

23           (f) Recommend to the Legislature revisions to existing  
24 economic-development incentives to promote greater use of such  
25 incentives in economically distressed communities or the  
26 creation of new economic-development incentives tailored to  
27 such communities.

28           (g) Develop, in consultation with the Office of  
29 Program Policy Analysis and Government Accountability,  
30 measures to assess the performance of Enterprise Florida,  
31

1 Inc., under this section and to assess changes in the level of  
2 economic investment in economically distressed communities.

3 (h) Include, as part of the annual report submitted  
4 under section 288.906, Florida Statutes, a report of the  
5 organization's activities and performance under this section.

6 The report must include the most recent performance data  
7 available for the measures developed under paragraph (g).

8 (5) In carrying out the provisions of this section,  
9 Enterprise Florida, Inc., shall consult and coordinate with  
10 other agencies and organizations engaged in activities related  
11 to economically distressed communities, including, without  
12 limitation:

13 (a) The Department of Community Affairs;

14 (b) The Office of Tourism, Trade, and Economic  
15 Development;

16 (c) The Office of Urban Opportunity;

17 (d) The Black Business Investment Board;

18 (e) Workforce Florida, Inc.;

19 (f) The Rural Economic Development Initiative; and

20 (g) Small Business Development Centers.

21 (6) Working with such organizations, Enterprise  
22 Florida, Inc., shall maximize opportunities to combine and  
23 leverage economic-development programs, designations, and  
24 initiatives in order to secure job-creating projects for  
25 economically distressed communities. Enterprise Florida, Inc.,  
26 also shall maximize opportunities to reduce any administrative  
27 burdens on businesses or communities relating to the services  
28 provided under this section.

29 (7) This section does not relieve Enterprise Florida,  
30 Inc., of its duties under section 288.9015, Florida Statutes,  
31 relating to rural communities, economically distressed urban



1 communities, enterprise zones, or other economically  
2 distressed communities.

3 Section 16. The sum of \$1 million is appropriated from  
4 the General Revenue Fund to the Agency for Workforce  
5 Innovation for the purpose of implementing the  
6 Self-Employment-Assistance Loan Program under section 445.053,  
7 Florida Statutes, during the 2002-2003 fiscal year.

8 Section 17. Except as otherwise specifically provided  
9 in this act, this act shall take effect upon becoming a law.

10  
11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12 COMMITTEE SUBSTITUTE FOR  
13 Senate Bill 2414

14 The committee substitute makes the following substantive  
15 changes to SB 2414:

- 16 1) Expands information sharing between the Department of  
17 Revenue and the Office of Tourism, Trade, and Economic  
Development with regard to certain economic development  
programs.
- 18 2) Creates a self-employment-assistance program and the  
19 associated Self-Employment-Assistance Loan Program.
- 20 3) Reduces the amount of retaliatory insurance taxes levied  
by the state.
- 21 4) Amends legislative intent regarding the State  
22 Comprehensive Plan.
- 23 5) Alters the policies and procedures of Enterprise Florida,  
24 Inc., with regard to assisting economically distressed  
25 communities.  
26  
27  
28  
29  
30  
31