

By the Council for Competitive Commerce and Committee on Economic Development & International Trade and Representatives Kilmer, Carassas, Mahon, Atwater, Prieguez, Harper, Meadows, Betancourt, Arza and Pickens

1 A bill to be entitled
2 An act relating to economic stimulus; amending
3 s. 288.095, F.S.; revising terminology relating
4 to certain incentive payment schedules;
5 revising the due date and content for an annual
6 report on incentives and reassigning
7 responsibility for such report to Enterprise
8 Florida, Inc.; amending s. 288.1045, F.S.;
9 revising definitions; revising the required
10 elements of a tax refund agreement; providing
11 an exemption from mandatory loss of tax refund
12 eligibility and decertification resulting from
13 agreement breach in cases of uncontrollable
14 economic factors; prescribing a deadline for
15 applying for tax refunds; revising conditions
16 and procedures governing applications for tax
17 refunds; revising provisions relating to the
18 order authorizing a tax refund; authorizing the
19 office to grant extensions to certain
20 application and notification deadlines;
21 revising conditions under which a prorated tax
22 refund will be approved; providing for
23 calculation of such prorated refund; specifying
24 that the section does not create a presumption
25 a claim will be approved and paid; revising the
26 agencies with which the office may verify
27 information and to which the office may provide
28 information; expanding purposes for which the
29 office may seek assistance from certain
30 entities; amending s. 288.106, F.S., relating
31 to the tax refund program for qualified target

1 industry businesses; revising requirements for
2 application for certification as such business
3 with respect to the number of current and new
4 jobs at the business and projections by the
5 Office of Tourism, Trade, and Economic
6 Development of refunds based thereon; revising
7 requirements relating to the tax refund
8 agreement with respect to job creation and the
9 time for filing of claims for refund; providing
10 for an exemption from mandatory loss of tax
11 refund eligibility and decertification
12 resulting from agreement breach in cases of
13 uncontrollable economic factors; revising
14 provisions relating to annual claims for
15 refund; authorizing an extension of time for
16 signing the tax refund agreement; providing an
17 application deadline; revising provisions
18 relating to the order authorizing a tax refund;
19 revising conditions under which a prorated tax
20 refund will be approved; providing for
21 calculation of such prorated tax refund;
22 specifying that the section does not create a
23 presumption that a claim will be approved and
24 paid; revising the agencies with which the
25 office may verify information and to which the
26 office may provide information; expanding
27 purposes for which the office may seek
28 assistance from certain entities; specifying
29 that certain appropriations may not be used for
30 any purpose other than the payment of specified
31 tax refunds; amending s. 213.053, F.S.;

1 authorizing the Department of Revenue to
2 provide certain information to the office;
3 providing an effective date.
4

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

7 Section 1. Paragraphs (b) and (c) of subsection (3) of
8 section 288.095, Florida Statutes, are amended to read:

9 288.095 Economic Development Trust Fund.--
10 (3)

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

30 (c) By December 31 ~~September 30~~ of each year,
31 Enterprise Florida, Inc., ~~the Office of Tourism, Trade, and~~

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

29 Section 2. Section 288.1045, Florida Statutes, is
30 amended to read:

31

1 288.1045 Qualified defense contractor tax refund
2 program.--
3 (1) DEFINITIONS.--As used in this section:
4 (a) "Consolidation of a Department of Defense
5 contract" means the consolidation of one or more of an
6 applicant's facilities under one or more Department of Defense
7 contracts either from outside this state or from inside and
8 outside this state, into one or more of the applicant's
9 facilities inside this state.
10 (b) "Average wage in the area" means the average of
11 all wages and salaries in the state, the county, or in the
12 standard metropolitan area in which the business unit is
13 located.
14 (c) "Applicant" means any business entity that holds a
15 valid Department of Defense contract or any business entity
16 that is a subcontractor under a valid Department of Defense
17 contract or any business entity that holds a valid contract
18 for the reuse of a defense-related facility, including all
19 members of an affiliated group of corporations as defined in
20 s. 220.03(1)(b).
21 (d) "Office" means the Office of Tourism, Trade, and
22 Economic Development.
23 (e) "Department of Defense contract" means a
24 competitively bid Department of Defense contract or a
25 competitively bid federal agency contract issued on behalf of
26 the Department of Defense for manufacturing, assembling,
27 fabricating, research, development, or design with a duration
28 of 2 or more years, but excluding any contract to provide
29 goods, improvements to real or tangible property, or services
30 directly to or for any particular military base or
31 installation in this state. The term includes contracts for

1 products for military use which contracts are approved by the
2 United States Department of Defense or the United States
3 Department of State.

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

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

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

18 (i) "Project" means any business undertaking in this
19 state under a new Department of Defense contract,
20 consolidation of a Department of Defense contract, or
21 conversion of defense production jobs over to nondefense
22 production jobs or reuse of defense-related facilities.

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

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

28 (l) "Taxable year" means the same as in s.
29 220.03(1)(z).

30 (m) "Fiscal year" means the fiscal year of the state.
31

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

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

21 (p) "Contract for reuse of a defense-related facility"
22 means a contract with a duration of 2 or more years for the
23 use of a facility for manufacturing, assembling, fabricating,
24 research, development, or design of tangible personal
25 property, but excluding any contract to provide goods,
26 improvements to real or tangible property, or services
27 directly to or for any particular military base or
28 installation in this state. Such facility must be located
29 within a port, as defined in s. 313.21, and have been occupied
30 by a business entity that held a valid Department of Defense
31 contract or occupied by any branch of the Armed Forces of the

1 United States, within 1 year of any contract being executed
2 for the reuse of such facility. A contract for reuse of a
3 defense-related facility may not include any contract for
4 reuse of such facility for any Department of Defense contract
5 for manufacturing, assembling, fabricating, research,
6 development, or design.

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

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

19 (a) There shall be allowed, from the Economic
20 Development Trust Fund, a refund to a qualified applicant for
21 the amount of eligible taxes certified by the director which
22 were paid by such qualified applicant. The total amount of
23 refunds for all fiscal years for each qualified applicant
24 shall be determined pursuant to subsection (3). The annual
25 amount of a refund to a qualified applicant shall be
26 determined pursuant to subsection (5).

27 (b) A qualified applicant may not be qualified for any
28 project to receive more than \$5,000 times the number of jobs
29 provided in the tax refund agreement pursuant to subparagraph
30 (4)(a)1. A qualified applicant may not receive refunds of more
31 than 25 percent of the total tax refunds provided in the tax

1 refund agreement pursuant to subparagraph (4)(a)1. in any
2 fiscal year, provided that no qualified applicant may receive
3 more than \$2.5 million in tax refunds pursuant to this section
4 in any fiscal year.

5 (c) A qualified applicant may not receive more than
6 \$7.5 million in tax refunds pursuant to this section in all
7 fiscal years.

8 (d) Contingent upon an annual appropriation by the
9 Legislature, the director may approve not more in tax refunds
10 than the amount appropriated to the Economic Development Trust
11 Fund for tax refunds, for a fiscal year pursuant to subsection
12 (5) and s. 288.095.

13 (e) For the first 6 months of each fiscal year, the
14 director shall set aside 30 percent of the amount appropriated
15 for refunds pursuant to this section by the Legislature to
16 provide tax refunds only to qualified applicants who employ
17 500 or fewer full-time employees in this state. Any
18 unencumbered funds remaining undisbursed from this set-aside
19 at the end of the 6-month period may be used to provide tax
20 refunds for any qualified applicants pursuant to this section.

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

27 1. Taxes on sales, use, and other transactions paid
28 pursuant to chapter 212.

29 2. Corporate income taxes paid pursuant to chapter
30 220.

31

1 3. Intangible personal property taxes paid pursuant to
2 chapter 199.

3 4. Emergency excise taxes paid pursuant to chapter
4 221.

5 5. Excise taxes paid on documents pursuant to chapter
6 201.

7 6. Ad valorem taxes paid, as defined in s.
8 220.03(1)(a) on June 1, 1996.

9
10 However, a qualified applicant may not receive a tax refund
11 pursuant to this section for any amount of credit, refund, or
12 exemption granted such contractor for any of such taxes. If a
13 refund for such taxes is provided by the office, which taxes
14 are subsequently adjusted by the application of any credit,
15 refund, or exemption granted to the qualified applicant other
16 than that provided in this section, the qualified applicant
17 shall reimburse the Economic Development Trust Fund for the
18 amount of such credit, refund, or exemption. A qualified
19 applicant must notify and tender payment to the office within
20 20 days after receiving a credit, refund, or exemption, other
21 than that provided in this section.

22 (g) Any qualified applicant who fraudulently claims
23 this refund is liable for repayment of the refund to the
24 Economic Development Trust Fund plus a mandatory penalty of
25 200 percent of the tax refund which shall be deposited into
26 the General Revenue Fund. Any qualified applicant who
27 fraudulently claims this refund commits a felony of the third
28 degree, punishable as provided in s. 775.082, s. 775.083, or
29 s. 775.084.

30 (h) Funds made available pursuant to this section may
31 not be expended in connection with the relocation of a

1 business from one community to another community in this state
2 unless the Office of Tourism, Trade, and Economic Development
3 determines that without such relocation the business will move
4 outside this state or determines that the business has a
5 compelling economic rationale for the relocation which creates
6 additional jobs.

7 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8 DETERMINATION.--

9 (a) To apply for certification as a qualified
10 applicant pursuant to this section, an applicant must file an
11 application with the office which satisfies the requirements
12 of paragraphs (b) and (e), paragraphs (c) and (e), or
13 paragraphs (d) and (e). An applicant may not apply for
14 certification pursuant to this section after a proposal has
15 been submitted for a new Department of Defense contract, after
16 the applicant has made the decision to consolidate an existing
17 Department of Defense contract in this state for which such
18 applicant is seeking certification, or after the applicant has
19 made the decision to convert defense production jobs to
20 nondefense production jobs for which such applicant is seeking
21 certification.

22 (b) Applications for certification based on the
23 consolidation of a Department of Defense contract or a new
24 Department of Defense contract must be submitted to the office
25 as prescribed by the office and must include, but are not
26 limited to, the following information:

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

30 2. The permanent location of the manufacturing,
31 assembling, fabricating, research, development, or design

1 facility in this state at which the project is or is to be
2 located.

3 3. The Department of Defense contract numbers of the
4 contract to be consolidated, the new Department of Defense
5 contract number, or the "RFP" number of a proposed Department
6 of Defense contract.

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

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

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

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

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

22 9. The amount of:

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

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

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

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

31

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 (c) Applications for certification based on the
31 conversion of defense production jobs to nondefense production

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

4 1. The applicant's federal employer identification
5 number, the applicant's Florida sales tax registration number,
6 and a notarized signature of an officer of the applicant.

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

11 3. The Department of Defense contract numbers of the
12 contract under which the defense production jobs will be
13 converted to nondefense production jobs.

14 4. The date the contract was executed, and the date
15 the contract is due to expire or is expected to expire, or was
16 canceled.

17 5. The commencement date for the nondefense production
18 operations in this state.

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

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

25 8. The percentage of the applicant's gross receipts
26 derived from Department of Defense contracts during the 5
27 taxable years immediately preceding the date the application
28 is submitted.

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; and
9 f. Ad valorem taxes paid
10
11 during the 5 fiscal years immediately preceding the date of
12 the application, and the projected amounts of such taxes to be
13 due in the 3 fiscal years immediately following the date of
14 the application.
15 10. The estimated amount of tax refunds to be claimed
16 for ~~in~~ each fiscal year.
17 11. A brief statement concerning the applicant's need
18 for tax refunds, and the proposed uses of such refunds by the
19 applicant.
20 12. A resolution adopted by the county commissioners
21 of the county in which the project will be located, which
22 recommends the applicant be approved as a qualified applicant,
23 and which indicates that the necessary commitments of local
24 financial support for the applicant exist. Prior to the
25 adoption of the resolution, the county commission may review
26 the proposed public or private sources of such support and
27 determine whether the proposed sources of local financial
28 support can be provided or, for any applicant whose project is
29 located in a county designated by the Rural Economic
30 Development Initiative, a resolution adopted by the county
31 commissioners of such county requesting that the applicant's

1 project be exempt from the local financial support
2 requirement.

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

5 (d) Applications for certification based on a contract
6 for reuse of a defense-related facility must be submitted to
7 the office as prescribed by the office and must include, but
8 are not limited to, the following information:

9 1. The applicant's Florida sales tax registration
10 number and a notarized signature of an officer of the
11 applicant.

12 2. The permanent location of the manufacturing,
13 assembling, fabricating, research, development, or design
14 facility in this state at which the project is or is to be
15 located.

16 3. The business entity holding a valid Department of
17 Defense contract or branch of the Armed Forces of the United
18 States that previously occupied the facility, and the date
19 such entity last occupied the facility.

20 4. A copy of the contract to reuse the facility, or
21 such alternative proof as may be prescribed by the office that
22 the applicant is seeking to contract for the reuse of such
23 facility.

24 5. The date the contract to reuse the facility was
25 executed or is expected to be executed, and the date the
26 contract is due to expire or is expected to expire.

27 6. The commencement date for project operations under
28 the contract in this state.

29 7. The number of net new full-time equivalent Florida
30 jobs included in ~~this state which are or will be dedicated to~~

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1 the project as of December 31 of each ~~during the~~ year and the
2 average wage of such jobs.

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

5 9. The amount of:

6 a. Taxes on sales, use, and other transactions paid
7 pursuant to chapter 212.

8 b. Corporate income taxes paid pursuant to chapter
9 220.

10 c. Intangible personal property taxes paid pursuant to
11 chapter 199.

12 d. Emergency excise taxes paid pursuant to chapter
13 221.

14 e. Excise taxes paid on documents pursuant to chapter
15 201.

16 f. Ad valorem taxes paid during the 5 fiscal years
17 immediately preceding the date of the application, and the
18 projected amounts of such taxes to be due in the 3 fiscal
19 years immediately following the date of the application.

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

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

25 12. A resolution adopted by the county commissioners
26 of the county in which the project will be located, which
27 recommends the applicant be approved as a qualified applicant,
28 and which indicates that the necessary commitments of local
29 financial support for the applicant exist. Prior to the
30 adoption of the resolution, the county commission may review
31 the proposed public or private sources of such support and

1 determine whether the proposed sources of local financial
2 support can be provided or, for any applicant whose project is
3 located in a county designated by the Rural Economic
4 Development Initiative, a resolution adopted by the county
5 commissioners of such county requesting that the applicant's
6 project be exempt from the local financial support
7 requirement.

8 13. Any additional information requested by the
9 office.

10 (e) To qualify for review by the office, the
11 application of an applicant under paragraph (b), paragraph
12 (c), or paragraph (d) must, at a minimum, establish the
13 following to the satisfaction of the office:

14 1. The jobs proposed to be provided under the
15 application, pursuant to subparagraph (b)6. or subparagraph
16 (c)6., must pay an estimated annual average wage equaling at
17 least 115 percent of the average wage in the area where the
18 project is to be located.

19 2. The consolidation of a Department of Defense
20 contract must result in a net increase of at least 25 percent
21 in the number of jobs at the applicant's facilities in this
22 state or the addition of at least 80 jobs at the applicant's
23 facilities in this state.

24 3. The conversion of defense production jobs to
25 nondefense production jobs must result in net increases in
26 nondefense employment at the applicant's facilities in this
27 state.

28 4. The Department of Defense contract cannot allow the
29 business to include the costs of relocation or retooling in
30 its base as allowable costs under a cost-plus, or similar,
31 contract.

1 5. A business unit of the applicant must have derived
2 not less than 60 ~~70~~ percent of its gross receipts in this
3 state from Department of Defense contracts over the
4 applicant's last fiscal year, and must have derived not less
5 than an average of 60 ~~80~~ percent of its gross receipts in this
6 state from Department of Defense contracts over the 5 years
7 preceding the date an application is submitted pursuant to
8 this section. This subparagraph does not apply to any
9 application for certification based on a contract for reuse of
10 a defense-related facility.

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

13 (f) Each application meeting the requirements of
14 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
15 (d) and (e) must be submitted to the office for a
16 determination of eligibility. The office shall review,
17 evaluate, and score each application based on, but not limited
18 to, the following criteria:

19 1. Expected contributions to the state strategic
20 economic development plan adopted by Enterprise Florida, Inc.,
21 taking into account the extent to which the project
22 contributes to the state's high-technology base, and the
23 long-term impact of the project and the applicant on the
24 state's economy.

25 2. The economic benefit of the jobs created or
26 retained by the project in this state, taking into account the
27 cost and average wage of each job created or retained, and the
28 potential risk to existing jobs.

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

31

1 4. The local commitment and support for the project
2 and applicant.

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

6 6. The dependence of the local community on the
7 defense industry.

8 7. The impact of any tax refunds granted pursuant to
9 this section on the viability of the project and the
10 probability that the project will occur in this state if such
11 tax refunds are granted to the applicant, taking into account
12 the expected long-term commitment of the applicant to economic
13 growth and employment in this state.

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

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

1 as of December 31 of the preceding state fiscal year
2 ~~information submitted in the application.~~

3 (h) Within 30 days after receipt of the office's
4 findings and evaluation, the director shall enter a final
5 order that either approves or disapproves an application. The
6 decision must be in writing and provide the justifications for
7 either approval or disapproval. If appropriate, the director
8 shall enter into a written agreement with the qualified
9 applicant pursuant to subsection (4).

10 (i) The director may not enter any final order that
11 certifies any applicant as a qualified applicant when the
12 value of tax refunds to be included in that final order
13 exceeds the available amount of authority to enter final
14 orders as determined in s. 288.095(3). A final order that
15 approves an application must specify the maximum amount of a
16 tax refund that is to be available to the contractor for ~~in~~
17 each fiscal year and the total amount of tax refunds for all
18 fiscal years.

19 (j) This section does not create a presumption that an
20 applicant should receive any tax refunds under this section.

21 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
22 AGREEMENT.--

23 (a) A qualified applicant shall enter into a written
24 agreement with the office containing, but not limited to, the
25 following:

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

1 active in this state. ~~This information must be the same as the~~
2 ~~information contained in the application submitted by the~~
3 ~~contractor pursuant to subsection (3).~~

4 2. The maximum amount of a refund that the qualified
5 applicant is eligible to receive for in each fiscal year,
6 based on the job creation or retention and maintenance
7 schedule specified in subparagraph 1.

8 3. An agreement with the office allowing the office to
9 review and verify the financial and personnel records of the
10 qualified applicant to ascertain whether the qualified
11 applicant is complying with the requirements of this section.

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

16 5. That local financial support shall be annually
17 available and will be paid to the Economic Development Trust
18 Fund.

19 (b) Compliance with the terms and conditions of the
20 agreement is a condition precedent for receipt of tax refunds
21 each year. The failure to comply with the terms and conditions
22 of the agreement shall result in the loss of eligibility for
23 receipt of all tax refunds previously authorized pursuant to
24 this section, and the revocation of the certification as a
25 qualified applicant by the director, unless the applicant is
26 eligible to receive and elects to accept a prorated refund
27 under paragraph (5)(g) or the office grants the applicant an
28 economic-stimulus exemption.

29 1. A qualified applicant may submit, in writing, a
30 request to the office for an economic-stimulus exemption. The
31 request must provide quantitative evidence demonstrating how

1 negative economic conditions in the applicant's industry
2 prevented the applicant from complying with the terms and
3 conditions of its tax refund agreement.

4 2. Upon receipt of a request under subparagraph 1.,
5 the director shall have 45 days to notify the requesting
6 applicant, in writing, whether its exemption has been granted
7 or denied. In determining whether an exemption should be
8 granted, the director shall consider the extent to which
9 negative economic conditions in the requesting applicant's
10 industry prevented the applicant from complying with the terms
11 and conditions of its tax refund agreement.

12 3. As a condition for receiving a prorated refund
13 under paragraph (5)(g) or an economic-stimulus exemption under
14 this paragraph, a qualified applicant must agree to
15 renegotiate its tax refund agreement with the office to, at a
16 minimum, ensure that the terms of the agreement comply with
17 current law and office procedures governing application for
18 and award of tax refunds. Upon approving the award of a
19 prorated refund or granting an economic-stimulus exemption,
20 the office shall renegotiate the tax refund agreement with the
21 applicant as required by this subparagraph. When amending the
22 agreement of an applicant receiving an economic-stimulus
23 exemption, the office may extend the duration of the agreement
24 for a period not to exceed 1 year.

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

29 5. A qualified applicant that receives an
30 economic-stimulus exemption may not receive a tax refund for
31 the period covered by the exemption.

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

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

6
7 "This agreement is neither a general obligation
8 of the State of Florida, nor is it backed by
9 the full faith and credit of the State of
10 Florida. Payment of tax refunds are conditioned
11 on and subject to specific annual
12 appropriations by the Florida Legislature of
13 funds sufficient to pay amounts authorized in
14 s. 288.1045, Florida Statutes."

15
16 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
17 CONTRACTOR.--

18 (a) To be eligible to claim any scheduled tax refund,
19 qualified applicants who have entered into a written agreement
20 with the office pursuant to subsection (4) and who have
21 entered into a valid new Department of Defense contract,
22 commenced the consolidation of a Department of Defense
23 contract, commenced the conversion of defense production jobs
24 to nondefense production jobs, ~~or who have~~ entered into a
25 valid contract for reuse of a defense-related facility must
26 ~~may~~ apply by January 31 of once each fiscal year to the office
27 for tax refunds scheduled to be paid from the appropriation
28 for the fiscal year that begins on July 1 following the
29 January 31 claims-submission date. The office may, upon
30 written request, grant a 30-day extension of the filing date.
31 ~~The application must be made on or after the date contained in~~

1 ~~the agreement entered into pursuant to subsection (4) and must~~
2 include a notarized signature of an officer of the applicant.

3 (b) The claim for refund by the qualified applicant
4 must include a copy of all receipts pertaining to the payment
5 of taxes for which a refund is sought, and data related to
6 achieving each performance item contained in the tax refund
7 agreement pursuant to subsection (4). The amount requested as
8 a tax refund may not exceed the amount for the relevant fiscal
9 year in the written agreement entered pursuant to subsection
10 (4).

11 (c) A tax refund may not be approved for any qualified
12 applicant unless local financial support has been paid to the
13 Economic Development Trust Fund for ~~in~~ that refund ~~fiscal~~
14 ~~year~~. If the local financial support is less than 20 percent
15 of the approved tax refund, the tax refund shall be reduced.
16 The tax refund paid may not exceed 5 times the local financial
17 support received. Funding from local sources includes tax
18 abatement under s. 196.1995 provided to a qualified applicant.
19 The amount of any tax refund for an applicant approved under
20 this section shall be reduced by the amount of any such tax
21 abatement, and the limitations in subsection (2) and paragraph
22 (3)(h) shall be reduced by the amount of any such tax
23 abatement. A report listing all sources of the local financial
24 support shall be provided to the office when such support is
25 paid to the Economic Development Trust Fund.

26 (d) The director, with assistance from the office, the
27 Department of Revenue, and the Agency for Workforce Innovation
28 ~~Department of Labor and Employment Security~~, shall, by June 30
29 following the scheduled date for submitting the tax refund
30 claim, specify by written order the approval or disapproval of
31 the tax refund claim and, if approved, determine the amount of

1 the tax refund that is authorized to be paid to ~~for~~ the
2 qualified applicant for the ~~fiscal year in a written final~~
3 ~~order within 30 days after the date the claim for the annual~~
4 ~~tax refund is received by the office.~~ The office may grant an
5 extension of this date upon the request of the qualified
6 applicant for the purpose of filing additional information in
7 support of the claim.

8 (e) The total amount of tax refunds approved by the
9 director under this section in any fiscal year may not exceed
10 the amount appropriated to the Economic Development Trust Fund
11 for such purposes for the fiscal year. If the Legislature does
12 not appropriate an amount sufficient to satisfy projections by
13 the office for tax refunds in a fiscal year, the director
14 shall, not later than July 15 of such year, determine the
15 proportion of each refund claim which shall be paid by
16 dividing the amount appropriated for tax refunds for the
17 fiscal year by the projected total amount of refund claims for
18 the fiscal year. The amount of each claim for a tax refund
19 shall be multiplied by the resulting quotient. If, after the
20 payment of all such refund claims, funds remain in the
21 Economic Development Trust Fund for tax refunds, the director
22 shall recalculate the proportion for each refund claim and
23 adjust the amount of each claim accordingly.

24 (f) Upon approval of the tax refund pursuant to
25 paragraphs (c) and (d), the Comptroller shall issue a warrant
26 for the amount included in the final order. In the event of
27 any appeal of the final order, the Comptroller may not issue a
28 warrant for a refund to the qualified applicant until the
29 conclusion of all appeals of the final order.

30 (g) A prorated tax refund, less a 5 percent penalty,
31 shall be approved for a qualified applicant provided all other

1 applicable requirements have been satisfied and the applicant
2 proves to the satisfaction of the director that it has
3 achieved at least 80 percent of its projected employment and
4 that the average wage paid by the applicant is at least 90
5 percent of the average wage specified in the tax refund
6 agreement, but in no case less than 115 percent of the average
7 private-sector wage in the area available at the time of the
8 claim. The prorated tax refund shall be calculated by
9 multiplying the tax refund amount for which the qualified
10 applicant would have been eligible, if all applicable
11 requirements had been satisfied, by the percentage of the
12 average employment specified in the tax refund agreement which
13 was achieved, and by the percentage of the average wages
14 specified in the tax refund agreement which was achieved.

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

17 (6) ADMINISTRATION.--

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

20 (b) The office may verify information provided in any
21 claim submitted for tax credits under this section with regard
22 to employment and wage levels or the payment of the taxes with
23 the appropriate agency or authority including the Department
24 of Revenue, the Department of Labor and Employment Security,
25 or any local government or authority.

26 (c) To facilitate the process of monitoring and
27 auditing applications made under this program, the office may
28 provide a list of qualified applicants to the Department of
29 Revenue, to the Agency for Workforce Innovation ~~Department of~~
30 ~~Labor and Employment Security~~, or to any local government or
31 authority. The office may request the assistance of said

1 entities with respect to monitoring jobs, wages, and the
2 payment of the taxes listed in subsection (2).

3 (d) By December 1 of each year, the office shall
4 submit a complete and detailed report to the Governor, the
5 President of the Senate, and the Speaker of the House of
6 Representatives of all tax refunds paid under this section,
7 including analyses of benefits and costs, types of projects
8 supported, employment and investment created, geographic
9 distribution of tax refunds granted, and minority business
10 participation. The report must indicate whether the moneys
11 appropriated by the Legislature to the qualified applicant tax
12 refund program were expended in a prudent, fiducially sound
13 manner.

14 (e) Funds specifically appropriated for the tax refund
15 program under this section may not be used for any purpose
16 other than the payment of tax refunds authorized by this
17 section.

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

20 Section 3. Paragraphs (a) and (d) of subsection (3),
21 paragraphs (a), (b), and (c) of subsection (4), and
22 subsections (5) and (6) of section 288.106, Florida Statutes,
23 are amended, and subsection (7) of said section is reenacted,
24 to read:

25 288.106 Tax refund program for qualified target
26 industry businesses.--

27 (3) APPLICATION AND APPROVAL PROCESS.--

28 (a) To apply for certification as a qualified target
29 industry business under this section, the business must file
30 an application with the office before the business has made
31 the decision to locate a new business in this state or before

1 the business had made the decision to expand an existing
2 business in this state. The application shall include, but is
3 not limited to, the following information:

- 4 1. The applicant's federal employer identification
5 number and the applicant's state sales tax registration
6 number.
- 7 2. The permanent location of the applicant's facility
8 in this state at which the project is or is to be located.
- 9 3. A description of the type of business activity or
10 product covered by the project, including four-digit SIC codes
11 for all activities included in the project.
- 12 4. The number of net new full-time equivalent Florida
13 jobs at the qualified target industry business as of December
14 31 of each year included in ~~this state that are or will be~~
15 ~~dedicated to~~ the project and the average wage of those jobs.
16 If more than one type of business activity or product is
17 included in the project, the number of jobs and average wage
18 for those jobs must be separately stated for each type of
19 business activity or product.
- 20 5. The total number of full-time equivalent employees
21 employed by the applicant in this state.
- 22 6. The anticipated commencement date of the project.
- 23 7. A brief statement concerning the role that the tax
24 refunds requested will play in the decision of the applicant
25 to locate or expand in this state.
- 26 8. An estimate of the proportion of the sales
27 resulting from the project that will be made outside this
28 state.
- 29 9. A resolution adopted by the governing board of the
30 county or municipality in which the project will be located,
31 which resolution recommends that certain types of businesses

1 be approved as a qualified target industry business and states
2 that the commitments of local financial support necessary for
3 the target industry business exist. In advance of the passage
4 of such resolution, the office may also accept an official
5 letter from an authorized local economic development agency
6 that endorses the proposed target industry project and pledges
7 that sources of local financial support for such project
8 exist. For the purposes of making pledges of local financial
9 support under this subsection, the authorized local economic
10 development agency shall be officially designated by the
11 passage of a one-time resolution by the local governing
12 authority.

13 10. Any additional information requested by the
14 office.

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

- 1 (4) TAX REFUND AGREEMENT.--
- 2 (a) Each qualified target industry business must enter
3 into a written agreement with the office which specifies, at a
4 minimum:
- 5 1. The total number of full-time equivalent jobs in
6 this state that will be dedicated to the project, the average
7 wage of those jobs, the definitions that will apply for
8 measuring the achievement of these terms during the pendency
9 of the agreement, and a time schedule or plan for when such
10 jobs will be in place and active in this state. ~~This~~
11 ~~information must be the same as the information contained in~~
12 ~~the application submitted by the business under subsection~~
13 ~~(3).~~
- 14 2. The maximum amount of tax refunds which the
15 qualified target industry business is eligible to receive on
16 the project and the maximum amount of a tax refund that the
17 qualified target industry business is eligible to receive for
18 in each fiscal year, based on the job creation and maintenance
19 schedule specified in subparagraph 1.
- 20 3. That the office may review and verify the financial
21 and personnel records of the qualified target industry
22 business to ascertain whether that business is in compliance
23 with this section.
- 24 4. The date by ~~after~~ which, in each fiscal year, the
25 qualified target industry business may file a ~~an annual~~ claim
26 under subsection (5) to be considered to receive a tax refund
27 in the following fiscal year.
- 28 5. That local financial support will be annually
29 available and will be paid to the account. The director may
30 not enter into a written agreement with a qualified target
31 industry business if the local financial support resolution is

1 not passed by the local governing authority within 90 days
2 after he or she has issued the letter of certification under
3 subsection (3).

4 (b) Compliance with the terms and conditions of the
5 agreement is a condition precedent for the receipt of a tax
6 refund each year. The failure to comply with the terms and
7 conditions of the tax refund agreement results in the loss of
8 eligibility for receipt of all tax refunds previously
9 authorized under this section and the revocation by the
10 director of the certification of the business entity as a
11 qualified target industry business, unless the business is
12 eligible to receive and elects to accept a prorated refund
13 under paragraph (5)(d) or the office grants the business an
14 economic-stimulus exemption.

15 1. A qualified target industry business may submit, in
16 writing, a request to the office for an economic-stimulus
17 exemption. The request must provide quantitative evidence
18 demonstrating how negative economic conditions in the
19 business's industry prevented the business from complying with
20 the terms and conditions of its tax refund agreement.

21 2. Upon receipt of a request under subparagraph 1.,
22 the director shall have 45 days to notify the requesting
23 business, in writing, whether its exemption has been granted
24 or denied. In determining whether an exemption should be
25 granted, the director shall consider the extent to which
26 negative economic conditions in the requesting business's
27 industry prevented the business from complying with the terms
28 and conditions of its tax refund agreement.

29 3. As a condition for receiving a prorated refund
30 under paragraph (5)(d) or an economic-stimulus exemption under
31 this paragraph, a qualified target industry business must

1 agree to renegotiate its tax refund agreement with the office
2 to, at a minimum, ensure that the terms of the agreement
3 comply with current law and office procedures governing
4 application for and award of tax refunds. Upon approving the
5 award of a prorated refund or granting an economic-stimulus
6 exemption, the office shall renegotiate the tax refund
7 agreement with the business as required by this subparagraph.
8 When amending the agreement of a business receiving an
9 economic-stimulus exemption, the office may extend the
10 duration of the agreement for a period not to exceed 1 year.

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

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

18 (c) The agreement must be signed by the director and
19 by an authorized officer of the qualified target industry
20 business within 120 days after the issuance of the letter of
21 certification under subsection (3), but not before passage and
22 receipt of the resolution of local financial support. The
23 office may grant an extension of this period at the written
24 request of the qualified target industry business.

25 (5) ANNUAL CLAIM FOR REFUND.--

26 (a) To be eligible to claim any scheduled tax refund,
27 a qualified target industry business that has entered into a
28 tax refund agreement with the office under subsection (4) must
29 ~~may~~ apply by January 31 of ~~once~~ each fiscal year to the office
30 for the ~~a~~ tax refund scheduled to be paid from the
31 appropriation for the fiscal year that begins on July 1

1 following the January 31 claims-submission date. The office
2 may, upon written request, grant a 30-day extension of the
3 filing date. ~~The application must be made on or after the date~~
4 ~~specified in that agreement.~~

5 (b) The claim for refund by the qualified target
6 industry business must include a copy of all receipts
7 pertaining to the payment of taxes for which the refund is
8 sought and data related to achievement of each performance
9 item specified in the tax refund agreement. The amount
10 requested as a tax refund may not exceed the amount specified
11 for the relevant ~~that~~ fiscal year in that agreement.

12 (c) A tax refund may not be approved for a qualified
13 target industry business unless the required local financial
14 support has been paid into the account for ~~in~~ that refund
15 ~~fiscal year~~. If the local financial support provided is less
16 than 20 percent of the approved tax refund, the tax refund
17 must be reduced. In no event may the tax refund exceed an
18 amount that is equal to 5 times the amount of the local
19 financial support received. Further, funding from local
20 sources includes any tax abatement granted to that business
21 under s. 196.1995 or the appraised market value of municipal
22 or county land conveyed or provided at a discount to that
23 business. The amount of any tax refund for such business
24 approved under this section must be reduced by the amount of
25 any such tax abatement granted or the value of the land
26 granted; and the limitations in subsection (2) and paragraph
27 (3)(f) must be reduced by the amount of any such tax abatement
28 or the value of the land granted. A report listing all sources
29 of the local financial support shall be provided to the office
30 when such support is paid to the account.

31

1 (d) A prorated tax refund, less a 5-percent penalty,
2 shall be approved for a qualified target industry business
3 provided all other applicable requirements have been satisfied
4 and the business proves to the satisfaction of the director
5 that it has achieved at least 80 percent of its projected
6 employment and that the average wage paid by the business is
7 at least 90 percent of the average wage specified in the tax
8 refund agreement, but in no case less than 115 percent of the
9 average private-sector wage in the area available at the time
10 of the claim, or 150 percent or 200 percent of the average
11 private-sector wage if the business requested the additional
12 per-job tax refund authorized in paragraph (2)(b) for wages
13 above those levels. The prorated tax refund shall be
14 calculated by multiplying the tax refund amount for which the
15 qualified target industry business would have been eligible,
16 if all applicable requirements had been satisfied, by the
17 percentage of the average employment specified in the tax
18 refund agreement which was achieved, and by the percentage of
19 the average wages specified in the tax refund agreement which
20 was achieved.

21 (e) The director, with such assistance as may be
22 required from the office, the Department of Revenue, or the
23 Agency for Workforce Innovation ~~Department of Labor and~~
24 ~~Employment Security~~, shall, by June 30 following the scheduled
25 date for submission of the tax-refund claim, specify by
26 written final order the approval or disapproval of the tax
27 refund claim and, if approved, the amount of the tax refund
28 that is authorized to be paid to ~~for~~ the qualified target
29 industry business for the fiscal year within 30 days after the
30 ~~date that the claim for the annual tax refund is received by~~
31 ~~the office.~~ The office may grant an extension of this date

1 upon the request of the qualified target industry business for
2 the purpose of filing additional information in support of the
3 claim.

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

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

9 (h)~~(g)~~ Upon approval of the tax refund under
10 paragraphs (c), (d), and (e), the Comptroller shall issue a
11 warrant for the amount specified in the ~~final~~ order. If the
12 ~~final~~ order is appealed, the Comptroller may not issue a
13 warrant for a refund to the qualified target industry business
14 until the conclusion of all appeals of that order.

15 (6) ADMINISTRATION.--

16 (a) The office is authorized to verify information
17 provided in any claim submitted for tax credits under this
18 section with regard to employment and wage levels or the
19 payment of the taxes to the appropriate agency or authority,
20 including the Department of Revenue, the Agency for Workforce
21 Innovation ~~Department of Labor and Employment Security~~, or any
22 local government or authority.

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

31

1 (c) Funds specifically appropriated for the tax refund
2 program for qualified target industry businesses may not be
3 used for any purpose other than the payment of tax refunds
4 authorized by this section.

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

6 Section 4. Paragraph (k) of subsection (7) of section
7 213.053, Florida Statutes, is amended to read:

8 213.053 Confidentiality and information sharing.--

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

11 (k)1. Payment information relative to chapters 199,
12 201, 212, 220, and 221 to the Office of Tourism, Trade, and
13 Economic Development, or agents of the office, in its
14 administration of the tax refund program for qualified defense
15 contractors authorized by s. 288.1045.

16 2. Information relative to s. 624.509 and chapters
17 199, 201, 220, and 221 to the Office of Tourism, Trade, and
18 Economic Development, or agents of the office, in the
19 administration of the tax refund program for qualified target
20 industry businesses authorized by s. 288.106.

21 3. Information relative to credits taken by businesses
22 under s. 220.191 and exemptions or refunds received by
23 businesses under s. 212.08(5)(j) to the Office of Tourism,
24 Trade, and Economic Development, or agents of the office, in
25 its administration and evaluation of the capital investment
26 tax credit program authorized in s. 220.191 and the
27 semiconductor, defense, and space tax exemption program
28 authorized in s. 212.08(5)(j).

29
30 Disclosure of information under this subsection shall be
31 pursuant to a written agreement between the executive director

1 and the agency. Such agencies, governmental or
2 nongovernmental, shall be bound by the same requirements of
3 confidentiality as the Department of Revenue. Breach of
4 confidentiality is a misdemeanor of the first degree,
5 punishable as provided by s. 775.082 or s. 775.083.

6 Section 5. This act shall take effect upon becoming a
7 law.

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