

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           amending s. 288.0655, F.S.; providing for  
4           additional uses of moneys in the Rural  
5           Infrastructure Fund; amending s. 288.095, F.S.;  
6           revising terminology relating to certain  
7           incentive payment schedules; revising the due  
8           date and content for an annual report on  
9           incentives and reassigning responsibility for  
10          such report to Enterprise Florida, Inc.;  
11          amending s. 288.1045, F.S., relating to the tax  
12          refund program for qualified defense  
13          contractors; revising definitions; revising  
14          conditions and procedures governing  
15          applications for tax refunds; revising  
16          provisions relating to the order authorizing a  
17          tax refund; revising the required elements of a  
18          tax refund agreement; providing an exemption  
19          from mandatory loss of tax refund eligibility  
20          and decertification resulting from agreement  
21          breach in cases of uncontrollable economic  
22          factors or specific acts of terrorism;  
23          prescribing a deadline for applying for tax  
24          refunds; authorizing the office to grant  
25          extensions to certain application and  
26          notification deadlines; revising conditions  
27          under which a prorated tax refund will be  
28          approved; providing for calculation of such  
29          prorated refund; specifying that the section  
30          does not create a presumption a claim will be  
31          approved and paid; revising the agencies with

1           which the office may verify information and to  
2           which the office may provide information;  
3           expanding purposes for which the office may  
4           seek assistance from certain entities;  
5           specifying that certain appropriations may not  
6           be used for any purpose other than the payment  
7           of specified tax refunds; amending s. 288.106,  
8           F.S., relating to the tax refund program for  
9           qualified target industry businesses; revising  
10          requirements for application for certification  
11          as such business with respect to the number of  
12          current and new jobs at the business and  
13          projections by the Office of Tourism, Trade,  
14          and Economic Development of refunds based  
15          thereon; revising requirements relating to the  
16          tax refund agreement with respect to job  
17          creation and the time for filing of claims for  
18          refund; providing for an exemption from  
19          mandatory loss of tax refund eligibility and  
20          decertification resulting from agreement breach  
21          in cases of uncontrollable economic factors or  
22          specific acts of terrorism; revising provisions  
23          relating to annual claims for refund;  
24          authorizing an extension of time for signing  
25          the tax refund agreement; providing an  
26          application deadline; revising provisions  
27          relating to the order authorizing a tax refund;  
28          revising conditions under which a prorated tax  
29          refund will be approved; providing for  
30          calculation of such prorated tax refund;  
31          specifying that the section does not create a

1 presumption that a claim will be approved and  
2 paid; revising the agencies with which the  
3 office may verify information and to which the  
4 office may provide information; expanding  
5 purposes for which the office may seek  
6 assistance from certain entities; specifying  
7 that certain appropriations may not be used for  
8 any purpose other than the payment of specified  
9 tax refunds; amending ss. 212.08 and 288.108,  
10 F.S.; removing references, to conform; amending  
11 s. 489.111, F.S.; deleting certain educational  
12 course requirements for purposes of qualifying  
13 for licensure by examination as a construction  
14 contractor; providing for construction of the  
15 act in pari materia with laws enacted at the  
16 2002 Regular Session; providing an effective  
17 date.

18

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

20

21 Section 1. Paragraphs (a) and (b) of subsection (2) of  
22 section 288.0655, Florida Statutes, are amended to read:

23

288.0655 Rural Infrastructure Fund.--

24

(2)(a) Funds appropriated by the Legislature shall be  
25 distributed by the office through ~~a grant~~ programs ~~program~~  
26 that maximize ~~maximizes~~ the use of federal, local, and private  
27 resources, including, but not limited to, those available  
28 under the Small Cities Community Development Block Grant  
29 Program.

30

(b) To facilitate access of rural communities and  
31 rural areas of critical economic concern as defined by the

1 Rural Economic Development Initiative to infrastructure  
2 funding programs of the Federal Government, such as those  
3 offered by the United States Department of Agriculture and the  
4 United States Department of Commerce, and state programs,  
5 including those offered by Rural Economic Development  
6 Initiative agencies, and to facilitate local government or  
7 private infrastructure funding efforts,the office may award  
8 grants ~~to applicants for such federal programs~~ for up to 30  
9 percent of the total infrastructure project cost. Eligible  
10 projects must be related to specific job-creation or  
11 job-retention ~~job-creating~~ opportunities. Eligible projects  
12 may also include improving any inadequate infrastructure that  
13 has resulted in regulatory action that prohibits economic or  
14 community growth or reducing the costs to community users of  
15 proposed infrastructure improvements that exceed such costs in  
16 comparable communities.Eligible uses of funds shall include  
17 improvements to public infrastructure for industrial or  
18 commercial sites and upgrades to or development of public  
19 tourism infrastructure. Authorized infrastructure may include  
20 the following public or public-private partnership facilities:  
21 storm water systems; telecommunications facilities; roads or  
22 other remedies to transportation impediments; nature-based  
23 tourism facilities; or other physical requirements necessary  
24 to facilitate tourism, trade, and economic development  
25 activities in the community. Authorized infrastructure may  
26 also include publicly owned self-powered nature-based tourism  
27 facilities and additions to the distribution facilities of the  
28 existing natural gas utility as defined in s. 366.04(3)(c),  
29 the existing electric utility as defined in s. 366.02, or the  
30 existing water or wastewater utility as defined in s.  
31 367.021(12), or any other existing water or wastewater

1 facility, which owns a gas or electric distribution system or  
2 a water or wastewater system in this state where:

3 1. A contribution-in-aid of construction is required  
4 to serve public or public-private partnership facilities under  
5 the tariffs of any natural gas, electric, water, or wastewater  
6 utility as defined herein; and

7 2. Such utilities as defined herein are willing and  
8 able to provide such service.

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

11 288.095 Economic Development Trust Fund.--

12 (3)

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

1           (c) By December 31 ~~September 30~~ of each year,  
2 Enterprise Florida, Inc., the Office of Tourism, Trade, and  
3 Economic Development shall submit a complete and detailed  
4 report to the Governor, the President of the Senate, the  
5 Speaker of the House of Representatives, and the director of  
6 the Office of Tourism, Trade, and Economic Development ~~board~~  
7 ~~of directors of Enterprise Florida, Inc., created under part~~  
8 ~~VII of this chapter,~~of all applications received,  
9 recommendations made to the Office of Tourism, Trade, and  
10 Economic Development,final decisions issued, tax refund  
11 agreements executed, and tax refunds paid or other payments  
12 made under all programs funded out of the Economic Development  
13 Incentives Account, including analyses of benefits and costs,  
14 types of projects supported, and employment and investment  
15 created. Enterprise Florida, Inc., The Office of Tourism,  
16 Trade, and Economic Development shall also include a separate  
17 analysis of the impact of such tax refunds on state enterprise  
18 zones designated pursuant to s. 290.0065, rural communities,  
19 brownfield areas, and distressed urban communities. By  
20 ~~December 1 of each year, the board of directors of Enterprise~~  
21 ~~Florida, Inc., shall review and comment on the report, and the~~  
22 ~~board shall submit the report, together with the comments of~~  
23 ~~the board, to the Governor, the President of the Senate, and~~  
24 ~~the Speaker of the House of Representatives.~~The report must  
25 discuss whether the authority and moneys appropriated by the  
26 Legislature to the Economic Development Incentives Account  
27 were managed and expended in a prudent, fiducially sound  
28 manner. The Office of Tourism, Trade, and Economic Development  
29 shall assist Enterprise Florida, Inc., in the collection of  
30 data related to business performance and incentive payments.  
31

1 Section 3. Section 288.1045, Florida Statutes, is  
2 amended to read:

3 288.1045 Qualified defense contractor tax refund  
4 program.--

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

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

12 (b) "Average wage in the area" means the average of  
13 all wages and salaries in the state, the county, or in the  
14 standard metropolitan area in which the business unit is  
15 located.

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

23 (d) "Office" means the Office of Tourism, Trade, and  
24 Economic Development.

25 (e) "Department of Defense contract" means a  
26 competitively bid Department of Defense contract or  
27 subcontract or a competitively bid federal agency contract or  
28 subcontract issued on behalf of the Department of Defense for  
29 manufacturing, assembling, fabricating, research, development,  
30 or design with a duration of 2 or more years, but excluding  
31 any contract or subcontract to provide goods, improvements to

1 real or tangible property, or services directly to or for any  
2 particular military base or installation in this state. The  
3 term includes contracts or subcontracts for products or  
4 services for military use which contracts or subcontracts are  
5 approved by the United States Department of Defense, the  
6 United States Department of State, or the United States Coast  
7 Guard.

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

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

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

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

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

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



1 (l) "Taxable year" means the same as in s.  
2 220.03(1)(z).

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

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

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

24 (p) "Contract for reuse of a defense-related facility"  
25 means a contract with a duration of 2 or more years for the  
26 use of a facility for manufacturing, assembling, fabricating,  
27 research, development, or design of tangible personal  
28 property, but excluding any contract to provide goods,  
29 improvements to real or tangible property, or services  
30 directly to or for any particular military base or  
31 installation in this state. Such facility must be located

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

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

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

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

30 (b) A qualified applicant may not be qualified for any  
31 project to receive more than \$5,000 times the number of jobs

1 provided in the tax refund agreement pursuant to subparagraph  
2 (4)(a)1. A qualified applicant may not receive refunds of more  
3 than 25 percent of the total tax refunds provided in the tax  
4 refund agreement pursuant to subparagraph (4)(a)1. in any  
5 fiscal year, provided that no qualified applicant may receive  
6 more than \$2.5 million in tax refunds pursuant to this section  
7 in any fiscal year.

8 (c) A qualified applicant may not receive more than  
9 \$7.5 million in tax refunds pursuant to this section in all  
10 fiscal years.

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

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

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

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

- 1           2. Corporate income taxes paid pursuant to chapter  
2 220.
- 3           3. Intangible personal property taxes paid pursuant to  
4 chapter 199.
- 5           4. Emergency excise taxes paid pursuant to chapter  
6 221.
- 7           5. Excise taxes paid on documents pursuant to chapter  
8 201.
- 9           6. Ad valorem taxes paid, as defined in s.  
10 220.03(1)(a) on June 1, 1996.

11  
12 However, a qualified applicant may not receive a tax refund  
13 pursuant to this section for any amount of credit, refund, or  
14 exemption granted such contractor for any of such taxes. If a  
15 refund for such taxes is provided by the office, which taxes  
16 are subsequently adjusted by the application of any credit,  
17 refund, or exemption granted to the qualified applicant other  
18 than that provided in this section, the qualified applicant  
19 shall reimburse the Economic Development Trust Fund for the  
20 amount of such credit, refund, or exemption. A qualified  
21 applicant must notify and tender payment to the office within  
22 20 days after receiving a credit, refund, or exemption, other  
23 than that provided in this section.

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

1 (h) Funds made available pursuant to this section may  
2 not be expended in connection with the relocation of a  
3 business from one community to another community in this state  
4 unless the Office of Tourism, Trade, and Economic Development  
5 determines that without such relocation the business will move  
6 outside this state or determines that the business has a  
7 compelling economic rationale for the relocation which creates  
8 additional jobs.

9 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
10 DETERMINATION.--

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

24 (b) Applications for certification based on the  
25 consolidation of a Department of Defense contract or a new  
26 Department of Defense contract must be submitted to the office  
27 as prescribed by the office and must include, but are not  
28 limited to, the following 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 to be consolidated, the new Department of Defense  
7 contract number, or the "RFP" number of a proposed Department  
8 of Defense contract.

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

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

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

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

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

24           9. The amount of:

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

27           b. Corporate income taxes paid pursuant to chapter  
28 220;

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

31

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

1 (c) Applications for certification based on the  
2 conversion of defense production jobs to nondefense production  
3 jobs must be submitted to the office as prescribed by the  
4 office and must include, but are not limited to, the following  
5 information:

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

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

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

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

19 5. The commencement date for the nondefense production  
20 operations in this state.

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

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

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

31 9. The amount of:



- 1 a. Taxes on sales, use, and other transactions paid  
2 pursuant to chapter 212;
- 3 b. Corporate income taxes paid pursuant to chapter  
4 220;
- 5 c. Intangible personal property taxes paid pursuant to  
6 chapter 199;
- 7 d. Emergency excise taxes paid pursuant to chapter  
8 221;
- 9 e. Excise taxes paid on documents pursuant to chapter  
10 201; and
- 11 f. Ad valorem taxes paid  
12
- 13 during the 5 fiscal years immediately preceding the date of  
14 the application, and the projected amounts of such taxes to be  
15 due in the 3 fiscal years immediately following the date of  
16 the application.
- 17 10. The estimated amount of tax refunds to be claimed  
18 for ~~in~~ each fiscal year.
- 19 11. A brief statement concerning the applicant's need  
20 for tax refunds, and the proposed uses of such refunds by the  
21 applicant.
- 22 12. A resolution adopted by the county commissioners  
23 of the county in which the project will be located, which  
24 recommends the applicant be approved as a qualified applicant,  
25 and which indicates that the necessary commitments of local  
26 financial support for the applicant exist. Prior to the  
27 adoption of the resolution, the county commission may review  
28 the proposed public or private sources of such support and  
29 determine whether the proposed sources of local financial  
30 support can be provided or, for any applicant whose project is  
31 located in a county designated by the Rural Economic

1 Development Initiative, a resolution adopted by the county  
2 commissioners of such county requesting that the applicant's  
3 project be exempt from the local financial support  
4 requirement.

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

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

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

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

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

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

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

29             6. The commencement date for project operations under  
30 the contract in this state.

31

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

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

7           9. The amount of:

8           a. Taxes on sales, use, and other transactions paid  
9 pursuant to chapter 212.

10           b. Corporate income taxes paid pursuant to chapter  
11 220.

12           c. Intangible personal property taxes paid pursuant to  
13 chapter 199.

14           d. Emergency excise taxes paid pursuant to chapter  
15 221.

16           e. Excise taxes paid on documents pursuant to chapter  
17 201.

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

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

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

27           12. A resolution adopted by the county commissioners  
28 of the county in which the project will be located, which  
29 recommends the applicant be approved as a qualified applicant,  
30 and which indicates that the necessary commitments of local  
31 financial support for the applicant exist. Prior to the

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

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

12 (e) To qualify for review by the office, the  
13 application of an applicant must, at a minimum, establish the  
14 following to the satisfaction of the office:

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

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

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

29 4. The Department of Defense contract cannot allow the  
30 business to include the costs of relocation or retooling in  
31

1 its base as allowable costs under a cost-plus, or similar,  
2 contract.

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

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

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

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

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

31

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

3           4. The local commitment and support for the project  
4 and applicant.

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

8           6. The dependence of the local community on the  
9 defense industry.

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

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

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

1 maintenance of the net new Florida jobs specified in  
2 subparagraphs (b)6., (c)6., or (d)7. as of December 31 of the  
3 preceding state fiscal year information submitted in the  
4 application.

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

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

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

25 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND  
26 AGREEMENT.--

27 (a) A qualified applicant shall enter into a written  
28 agreement with the office containing, but not limited to, the  
29 following:

30 1. The total number of full-time equivalent jobs in  
31 this state that are or will be dedicated to the qualified

1 applicant's project, the average wage of such jobs, the  
2 definitions that will apply for measuring the achievement of  
3 these terms during the pendency of the agreement, and a time  
4 schedule or plan for when such jobs will be in place and  
5 active in this state. ~~This information must be the same as the~~  
6 ~~information contained in the application submitted by the~~  
7 ~~contractor pursuant to subsection (3).~~

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

12           3. An agreement with the office allowing the office to  
13 review and verify the financial and personnel records of the  
14 qualified applicant to ascertain whether the qualified  
15 applicant is complying with the requirements of this section.

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

20           5. That local financial support shall be annually  
21 available and will be paid to the Economic Development Trust  
22 Fund.

23           (b) Compliance with the terms and conditions of the  
24 agreement is a condition precedent for receipt of tax refunds  
25 each year. The failure to comply with the terms and conditions  
26 of the agreement shall result in the loss of eligibility for  
27 receipt of all tax refunds previously authorized pursuant to  
28 this section, and the revocation of the certification as a  
29 qualified applicant by the director, unless the qualified  
30 applicant is eligible to receive and elects to accept a  
31



1 prorated refund under paragraph (5)(g) or the office grants  
2 the qualified applicant an economic-stimulus exemption.

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

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

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

1 economic-stimulus exemption, the office may extend the  
2 duration of the agreement for a period not to exceed 1 year.

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

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

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

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

15  
16 "This agreement is neither a general obligation  
17 of the State of Florida, nor is it backed by  
18 the full faith and credit of the State of  
19 Florida. Payment of tax refunds are conditioned  
20 on and subject to specific annual  
21 appropriations by the Florida Legislature of  
22 funds sufficient to pay amounts authorized in  
23 s. 288.1045, Florida Statutes."  
24

25 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE  
26 CONTRACTOR.--

27 (a) To be eligible to claim any scheduled tax refund,  
28 qualified applicants who have entered into a written agreement  
29 with the office pursuant to subsection (4) and who have  
30 entered into a valid new Department of Defense contract,  
31 commenced the consolidation of a Department of Defense

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

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

20 (c) A tax refund may not be approved for any qualified  
21 applicant unless local financial support has been paid to the  
22 Economic Development Trust Fund for ~~in~~ that refund ~~fiscal~~  
23 ~~year~~. If the local financial support is less than 20 percent  
24 of the approved tax refund, the tax refund shall be reduced.  
25 The tax refund paid may not exceed 5 times the local financial  
26 support received. Funding from local sources includes tax  
27 abatement under s. 196.1995 provided to a qualified applicant.  
28 The amount of any tax refund for an applicant approved under  
29 this section shall be reduced by the amount of any such tax  
30 abatement, and the limitations in subsection (2) and paragraph  
31 (3)(h) shall be reduced by the amount of any such tax

1 abatement. A report listing all sources of the local financial  
 2 support shall be provided to the office when such support is  
 3 paid to the Economic Development Trust Fund.

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

17 (e) The total amount of tax refunds approved by the  
 18 director under this section in any fiscal year may not exceed  
 19 the amount appropriated to the Economic Development Trust Fund  
 20 for such purposes for the fiscal year. If the Legislature does  
 21 not appropriate an amount sufficient to satisfy projections by  
 22 the office for tax refunds in a fiscal year, the director  
 23 shall, not later than July 15 of such year, determine the  
 24 proportion of each refund claim which shall be paid by  
 25 dividing the amount appropriated for tax refunds for the  
 26 fiscal year by the projected total amount of refund claims for  
 27 the fiscal year. The amount of each claim for a tax refund  
 28 shall be multiplied by the resulting quotient. If, after the  
 29 payment of all such refund claims, funds remain in the  
 30 Economic Development Trust Fund for tax refunds, the director

31

1 shall recalculate the proportion for each refund claim and  
2 adjust the amount of each claim accordingly.

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

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

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

28 (6) ADMINISTRATION.--

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

31

1           (b) The office may verify information provided in any  
2 claim submitted for tax credits under this section with regard  
3 to employment and wage levels or the payment of the taxes with  
4 the appropriate agency or authority including the Department  
5 of Revenue, the Agency for Workforce Innovation ~~Department of~~  
6 ~~Labor and Employment Security~~, or any local government or  
7 authority.

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

16           (d) By December 1 of each year, the office shall  
17 submit a complete and detailed report to the Governor, the  
18 President of the Senate, and the Speaker of the House of  
19 Representatives of all tax refunds paid under this section,  
20 including analyses of benefits and costs, types of projects  
21 supported, employment and investment created, geographic  
22 distribution of tax refunds granted, and minority business  
23 participation. The report must indicate whether the moneys  
24 appropriated by the Legislature to the qualified applicant tax  
25 refund program were expended in a prudent, fiducially sound  
26 manner.

27           (e) Funds specifically appropriated for the tax refund  
28 program under this section may not be used for any purpose  
29 other than the payment of tax refunds authorized by this  
30 section.

31

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

3 Section 4. Paragraphs (a) and (d) of subsection (3),  
4 paragraphs (a), (b), and (c) of subsection (4), and  
5 subsections (5), (6), and (7) of section 288.106, Florida  
6 Statutes, are amended to read:

7 288.106 Tax refund program for qualified target  
8 industry businesses.--

9 (3) APPLICATION AND APPROVAL PROCESS.--

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

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

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

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

25 4. The number of net new full-time equivalent Florida  
26 jobs at the qualified target industry business as of December  
27 31 of each year included ~~in this state that are or will be~~  
28 ~~dedicated to~~ the project and the average wage of those jobs.

29 If more than one type of business activity or product is  
30 included in the project, the number of jobs and average wage  
31

1 for those jobs must be separately stated for each type of  
2 business activity or product.

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

5 6. The anticipated commencement date of the project.

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

9 8. An estimate of the proportion of the sales  
10 resulting from the project that will be made outside this  
11 state.

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

27 10. Any additional information requested by the  
28 office.

29 (d) The office shall forward its written findings and  
30 evaluation concerning each application meeting the  
31 requirements of paragraph (b) to the director within 45



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

15 (4) TAX REFUND AGREEMENT.--

16 (a) Each qualified target industry business must enter  
17 into a written agreement with the office which specifies, at a  
18 minimum:

19 1. The total number of full-time equivalent jobs in  
20 this state that will be dedicated to the project, the average  
21 wage of those jobs, the definitions that will apply for  
22 measuring the achievement of these terms during the pendency  
23 of the agreement, and a time schedule or plan for when such  
24 jobs will be in place and active in this state. ~~This~~  
25 ~~information must be the same as the information contained in~~  
26 ~~the application submitted by the business under subsection~~  
27 ~~(3).~~

28 2. The maximum amount of tax refunds which the  
29 qualified target industry business is eligible to receive on  
30 the project and the maximum amount of a tax refund that the  
31 qualified target industry business is eligible to receive for

1 ~~in~~ each fiscal year, based on the job creation and maintenance  
 2 schedule specified in subparagraph 1.

3 3. That the office may review and verify the financial  
 4 and personnel records of the qualified target industry  
 5 business to ascertain whether that business is in compliance  
 6 with this section.

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

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

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

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

1 demonstrating how negative economic conditions in the  
2 business's industry, or specific acts of terrorism affecting  
3 the qualified target industry business, have prevented the  
4 business from complying with the terms and conditions of its  
5 tax refund agreement.

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

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

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

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

4           (c) The agreement must be signed by the director and  
5 by an authorized officer of the qualified target industry  
6 business within 120 days after the issuance of the letter of  
7 certification under subsection (3), but not before passage and  
8 receipt of the resolution of local financial support. The  
9 office may grant an extension of this period at the written  
10 request of the qualified target industry business.

11           (5) ANNUAL CLAIM FOR REFUND.--

12           (a) To be eligible to claim any scheduled tax refund,  
13 a qualified target industry business that has entered into a  
14 tax refund agreement with the office under subsection (4) must  
15 may apply by January 31 of once each fiscal year to the office  
16 for the a tax refund scheduled to be paid from the  
17 appropriation for the fiscal year that begins on July 1  
18 following the January 31 claims-submission date. The office  
19 may, upon written request, grant a 30-day extension of the  
20 filing date.~~The application must be made on or after the date~~  
21 ~~specified in that agreement.~~

22           (b) The claim for refund by the qualified target  
23 industry business must include a copy of all receipts  
24 pertaining to the payment of taxes for which the refund is  
25 sought and data related to achievement of each performance  
26 item specified in the tax refund agreement. The amount  
27 requested as a tax refund may not exceed the amount specified  
28 for the relevant that fiscal year in that agreement.

29           (c) A tax refund may not be approved for a qualified  
30 target industry business unless the required local financial  
31 support has been paid into the account for that refund ~~in that~~

1 ~~fiscal year~~. If the local financial support provided is less  
2 than 20 percent of the approved tax refund, the tax refund  
3 must be reduced. In no event may the tax refund exceed an  
4 amount that is equal to 5 times the amount of the local  
5 financial support received. Further, funding from local  
6 sources includes any tax abatement granted to that business  
7 under s. 196.1995 or the appraised market value of municipal  
8 or county land conveyed or provided at a discount to that  
9 business. The amount of any tax refund for such business  
10 approved under this section must be reduced by the amount of  
11 any such tax abatement granted or the value of the land  
12 granted; and the limitations in subsection (2) and paragraph  
13 (3)(f) must be reduced by the amount of any such tax abatement  
14 or the value of the land granted. A report listing all sources  
15 of the local financial support shall be provided to the office  
16 when such support is paid to the account.

17 (d) A prorated tax refund, less a 5-percent penalty,  
18 shall be approved for a qualified target industry business  
19 provided all other applicable requirements have been satisfied  
20 and the business proves to the satisfaction of the director  
21 that it has achieved at least 80 percent of its projected  
22 employment and that the average wage paid by the business is  
23 at least 90 percent of the average wage specified in the tax  
24 refund agreement, but in no case less than 115 percent of the  
25 average private-sector wage in the area available at the time  
26 of certification, or 150 percent or 200 percent of the average  
27 private-sector wage if the business requested the additional  
28 per-job tax refund authorized in paragraph (2)(b) for wages  
29 above those levels. The prorated tax refund shall be  
30 calculated by multiplying the tax refund amount for which the  
31 qualified target industry business would have been eligible,

1 if all applicable requirements had been satisfied, by the  
2 percentage of the average employment specified in the tax  
3 refund agreement which was achieved, and by the percentage of  
4 the average wages specified in the tax refund agreement which  
5 was achieved.

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

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

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

25 (h)~~(g)~~ Upon approval of the tax refund under  
26 paragraphs (c), (d), and (e), the Comptroller shall issue a  
27 warrant for the amount specified in the written final order.  
28 If the written final order is appealed, the Comptroller may  
29 not issue a warrant for a refund to the qualified target  
30 industry business until the conclusion of all appeals of that  
31 order.

1 (6) ADMINISTRATION.--

2 (a) The office is authorized to verify information  
3 provided in any claim submitted for tax credits under this  
4 section with regard to employment and wage levels or the  
5 payment of the taxes to the appropriate agency or authority,  
6 including the Department of Revenue, the Agency for Workforce  
7 Innovation ~~Department of Labor and Employment Security~~, or any  
8 local government or authority.

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

17 (c) Funds specifically appropriated for the tax refund  
18 program for qualified target industry businesses may not be  
19 used for any purpose other than the payment of tax refunds  
20 authorized by this section.

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

22 Section 5. Paragraph (j) of subsection (5) of section  
23 212.08, Florida Statutes, is amended to read:

24 212.08 Sales, rental, use, consumption, distribution,  
25 and storage tax; specified exemptions.--The sale at retail,  
26 the rental, the use, the consumption, the distribution, and  
27 the storage to be used or consumed in this state of the  
28 following are hereby specifically exempt from the tax imposed  
29 by this chapter.

30 (5) EXEMPTIONS; ACCOUNT OF USE.--

31

1 (j) Machinery and equipment used in semiconductor,  
2 defense, or space technology production and research and  
3 development.--

4 1.a. Industrial machinery and equipment used in  
5 semiconductor technology facilities certified under  
6 subparagraph 6. to manufacture, process, compound, or produce  
7 semiconductor technology products for sale or for use by these  
8 facilities are exempt from the tax imposed by this chapter.  
9 For purposes of this paragraph, industrial machinery and  
10 equipment includes molds, dies, machine tooling, other  
11 appurtenances or accessories to machinery and equipment,  
12 testing equipment, test beds, computers, and software, whether  
13 purchased or self-fabricated, and, if self-fabricated,  
14 includes materials and labor for design, fabrication, and  
15 assembly.

16 b. Industrial machinery and equipment used in defense  
17 or space technology facilities certified under subparagraph 6.  
18 to manufacture, process, compound, or produce defense  
19 technology products or space technology products for sale or  
20 for use by these facilities are exempt from 25 percent of the  
21 tax imposed by this chapter.

22 2.a. Machinery and equipment are exempt from the tax  
23 imposed by this chapter if used predominately in semiconductor  
24 wafer research and development activities in a semiconductor  
25 technology research and development facility certified under  
26 subparagraph 6. For purposes of this paragraph, machinery and  
27 equipment includes molds, dies, machine tooling, other  
28 appurtenances or accessories to machinery and equipment,  
29 testing equipment, test beds, computers, and software, whether  
30 purchased or self-fabricated, and, if self-fabricated,

31



1 includes materials and labor for design, fabrication, and  
2 assembly.

3           b. Machinery and equipment are exempt from 25 percent  
4 of the tax imposed by this chapter if used predominately in  
5 defense or space research and development activities in a  
6 defense or space technology research and development facility  
7 certified under subparagraph 6.

8           3. Building materials purchased for use in  
9 manufacturing or expanding clean rooms in  
10 semiconductor-manufacturing facilities are exempt from the tax  
11 imposed by this chapter.

12           4. In addition to meeting the criteria mandated by  
13 subparagraph 1., subparagraph 2., or subparagraph 3., a  
14 business must be certified by the Office of Tourism, Trade,  
15 and Economic Development as authorized in this paragraph in  
16 order to qualify for exemption under this paragraph.

17           5. For items purchased tax exempt pursuant to this  
18 paragraph, possession of a written certification from the  
19 purchaser, certifying the purchaser's entitlement to exemption  
20 pursuant to this paragraph, relieves the seller of the  
21 responsibility of collecting the tax on the sale of such  
22 items, and the department shall look solely to the purchaser  
23 for recovery of tax if it determines that the purchaser was  
24 not entitled to the exemption.

25           6.a. To be eligible to receive the exemption provided  
26 by subparagraph 1., subparagraph 2., or subparagraph 3., a  
27 qualifying business entity shall apply to Enterprise Florida,  
28 Inc. The application shall be developed by the Office of  
29 Tourism, Trade, and Economic Development in consultation with  
30 Enterprise Florida, Inc.

31

1           b. Enterprise Florida, Inc., shall review each  
2 submitted application and information and determine whether or  
3 not the application is complete within 5 working days. Once an  
4 application is complete, Enterprise Florida, Inc., shall,  
5 within 10 working days, evaluate the application and recommend  
6 approval or disapproval of the application to the Office of  
7 Tourism, Trade, and Economic Development.

8           c. Upon receipt of the application and recommendation  
9 from Enterprise Florida, Inc., the Office of Tourism, Trade,  
10 and Economic Development shall certify within 5 working days  
11 those applicants who are found to meet the requirements of  
12 this section and notify the applicant, Enterprise Florida,  
13 Inc., and the department of the certification. If the Office  
14 of Tourism, Trade, and Economic Development finds that the  
15 applicant does not meet the requirements of this section, it  
16 shall notify the applicant and Enterprise Florida, Inc.,  
17 within 10 working days that the application for certification  
18 has been denied and the reasons for denial. The Office of  
19 Tourism, Trade, and Economic Development has final approval  
20 authority for certification under this section.

21           7.a. A business may apply once each year for the  
22 exemption.

23           b. The application must indicate, for program  
24 evaluation purposes only, the average number of full-time  
25 equivalent employees at the facility over the preceding  
26 calendar year, the average wage and benefits paid to those  
27 employees over the preceding calendar year, the total  
28 investment made in real and tangible personal property over  
29 the preceding calendar year, and the total value of tax-exempt  
30 purchases and taxes exempted during the previous year. The  
31 department shall assist the Office of Tourism, Trade, and

1 Economic Development in evaluating and verifying information  
2 provided in the application for exemption.

3 c. The Office of Tourism, Trade, and Economic  
4 Development may use the information reported on the  
5 application for evaluation purposes only and shall prepare an  
6 annual report on the exemption program and its cost and  
7 impact. The annual report for the preceding fiscal year shall  
8 be submitted to the Governor, the President of the Senate, and  
9 the Speaker of the House of Representatives by September 30 of  
10 each fiscal year. ~~This report may be submitted in conjunction~~  
11 ~~with the annual report required in s. 288.095(3)(c).~~

12 8. A business certified to receive this exemption may  
13 elect to designate one or more state universities or community  
14 colleges as recipients of up to 100 percent of the amount of  
15 the exemption for which they may qualify. To receive these  
16 funds, the institution must agree to match the funds so earned  
17 with equivalent cash, programs, services, or other in-kind  
18 support on a one-to-one basis in the pursuit of research and  
19 development projects as requested by the certified business.  
20 The rights to any patents, royalties, or real or intellectual  
21 property must be vested in the business unless otherwise  
22 agreed to by the business and the university or community  
23 college.

24 9. As used in this paragraph, the term:

25 a. "Predominately" means at least 50 percent of the  
26 time in qualifying research and development.

27 b. "Research and development" means basic and applied  
28 research in the science or engineering, as well as the design,  
29 development, and testing of prototypes or processes of new or  
30 improved products. Research and development does not include  
31 market research, routine consumer product testing, sales

1 research, research in the social sciences or psychology,  
2 nontechnological activities, or technical services.

3 c. "Semiconductor technology products" means raw  
4 semiconductor wafers or semiconductor thin films that are  
5 transformed into semiconductor memory or logic wafers,  
6 including wafers containing mixed memory and logic circuits;  
7 related assembly and test operations; active-matrix flat panel  
8 displays; semiconductor chips; semiconductor lasers;  
9 optoelectronic elements; and related semiconductor technology  
10 products as determined by the Office of Tourism, Trade, and  
11 Economic Development.

12 d. "Clean rooms" means manufacturing facilities  
13 enclosed in a manner that meets the clean manufacturing  
14 requirements necessary for high-technology  
15 semiconductor-manufacturing environments.

16 e. "Defense technology products" means products that  
17 have a military application, including, but not limited to,  
18 weapons, weapons systems, guidance systems, surveillance  
19 systems, communications or information systems, munitions,  
20 aircraft, vessels, or boats, or components thereof, which are  
21 intended for military use and manufactured in performance of a  
22 contract with the United States Department of Defense or the  
23 military branch of a recognized foreign government or a  
24 subcontract thereunder which relates to matters of national  
25 defense.

26 f. "Space technology products" means products that are  
27 specifically designed or manufactured for application in space  
28 activities, including, but not limited to, space launch  
29 vehicles, missiles, satellites or research payloads, avionics,  
30 and associated control systems and processing systems. The  
31 term does not include products that are designed or

1 manufactured for general commercial aviation or other uses  
2 even though those products may also serve an incidental use in  
3 space applications.

4 Section 6. Subsection (7) of section 288.108, Florida  
5 Statutes, is amended to read:

6 288.108 High-impact business.--

7 (7) REPORTING.--The office shall by December 1 of each  
8 year issue a complete and detailed report of all designated  
9 high-impact sectors, all applications received and their  
10 disposition, all final orders issued, and all payments made,  
11 including analyses of benefits and costs, types of projects  
12 supported, and employment and investments created. The report  
13 shall be submitted to the Governor, the President of the  
14 Senate, and the Speaker of the House of Representatives. ~~The~~  
15 ~~report may be combined with the incentives report required in~~  
16 ~~s. 288.095.~~

17 Section 7. Subsection (2) of section 489.111, Florida  
18 Statutes, is amended to read:

19 489.111 Licensure by examination.--

20 (2) A person shall be eligible for licensure by  
21 examination if the person:

22 (a) Is 18 years of age;

23 (b) Is of good moral character; and

24 (c) Meets eligibility requirements according to one of  
25 the following criteria:

26 1. Has received a baccalaureate degree from an  
27 accredited 4-year college in the appropriate field of  
28 engineering, architecture, or building construction and has 1  
29 year of proven experience in the category in which the person  
30 seeks to qualify. For the purpose of this part, a minimum of  
31

1 2,000 person-hours shall be used in determining full-time  
2 equivalency.

3 2. Has a total of at least 4 years of active  
4 experience as a worker who has learned the trade by serving an  
5 apprenticeship as a skilled worker who is able to command the  
6 rate of a mechanic in the particular trade or as a foreman who  
7 is in charge of a group of workers and usually is responsible  
8 to a superintendent or a contractor or his or her equivalent,  
9 provided, however, that at least 1 year of active experience  
10 shall be as a foreman.

11 3. Has a combination of not less than 1 year of  
12 experience as a foreman and not less than 3 years of credits  
13 for any accredited college-level courses; has a combination of  
14 not less than 1 year of experience as a skilled worker, 1 year  
15 of experience as a foreman, and not less than 2 years of  
16 credits for any accredited college-level courses; or has a  
17 combination of not less than 2 years of experience as a  
18 skilled worker, 1 year of experience as a foreman, and not  
19 less than 1 year of credits for any accredited college-level  
20 courses. ~~For the number of years of credits for any accredited~~  
21 ~~college-level courses, the applicant shall show completion of~~  
22 ~~an equal number of courses in the appropriate field of~~  
23 ~~engineering, architecture, or building construction.~~All  
24 junior college or community college-level courses shall be  
25 considered accredited college-level courses.

26 4.a. An active certified residential contractor is  
27 eligible to take the building contractors' examination if he  
28 or she possesses a minimum of 3 years of proven experience in  
29 the classification in which he or she is certified.

30 b. An active certified residential contractor is  
31 eligible to take the general contractors' examination if he or

1 she possesses a minimum of 4 years of proven experience in the  
2 classification in which he or she is certified.

3 c. An active certified building contractor is eligible  
4 to take the general contractors' examination if he or she  
5 possesses a minimum of 4 years of proven experience in the  
6 classification in which he or she is certified.

7 5.a. An active certified air-conditioning Class C  
8 contractor is eligible to take the air-conditioning Class B  
9 contractors' examination if he or she possesses a minimum of 3  
10 years of proven experience in the classification in which he  
11 or she is certified.

12 b. An active certified air-conditioning Class C  
13 contractor is eligible to take the air-conditioning Class A  
14 contractors' examination if he or she possesses a minimum of 4  
15 years of proven experience in the classification in which he  
16 or she is certified.

17 c. An active certified air-conditioning Class B  
18 contractor is eligible to take the air-conditioning Class A  
19 contractors' examination if he or she possesses a minimum of 1  
20 year of proven experience in the classification in which he or  
21 she is certified.

22 6.a. An active certified swimming pool servicing  
23 contractor is eligible to take the residential swimming pool  
24 contractors' examination if he or she possesses a minimum of 3  
25 years of proven experience in the classification in which he  
26 or she is certified.

27 b. An active certified swimming pool servicing  
28 contractor is eligible to take the swimming pool commercial  
29 contractors' examination if he or she possesses a minimum of 4  
30 years of proven experience in the classification in which he  
31 or she is certified.

1           c. An active certified residential swimming pool  
2 contractor is eligible to take the commercial swimming pool  
3 contractors' examination if he or she possesses a minimum of 1  
4 year of proven experience in the classification in which he or  
5 she is certified.

6           d. An applicant is eligible to take the swimming  
7 pool/spa servicing contractor's examination if he or she has  
8 satisfactorily completed 60 hours of instruction in courses  
9 related to the scope of work covered by that license and  
10 approved by the Construction Industry Licensing Board by rule  
11 and has at least 1 year of proven experience related to the  
12 scope of work of such a contractor.

13           Section 8. If any law that is amended by this act was  
14 also amended by a law enacted at the 2002 Regular Session of  
15 the Legislature, such laws shall be construed as if they had  
16 been enacted at the same session of the Legislature, and full  
17 effect should be given to each if that is possible.

18           Section 9. This act shall take effect upon becoming a  
19 law.

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