

1
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 (1) "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

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

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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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