

Bill No. HB 691, 1st Eng.

Amendment No. Barcode 405396

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Garcia moved the following amendment:

12
13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15
16 and insert:

17 Section 1. Paragraph (h) of subsection (1) of section
18 220.191, Florida Statutes, is amended to read:

19 220.191 Capital investment tax credit.--

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

21 (h) "Qualifying project" means:

22 1. A new or expanding facility in this state which
23 creates at least 100 new jobs in this state and is in one of
24 the high-impact sectors identified by Enterprise Florida,
25 Inc., and certified by the office pursuant to s. 288.108(6),
26 including, but not limited to, aviation, aerospace,
27 automotive, and silicon technology industries; ~~or-~~

28 2. A new financial services facility in this state
29 which creates at least 2,000 new jobs in this state, pays an
30 average annual wage of at least \$50,000, and makes a capital
31 investment of at least \$30 million. This subparagraph expires

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1 June 30, 2004.

2 Section 2. Paragraph (e) of subsection (1) and
3 paragraph (b) of subsection (4) of section 288.1045, Florida
4 Statutes, are amended to read:

5 288.1045 Qualified defense contractor tax refund
6 program.--

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

8 (e) "Department of Defense contract" means a
9 competitively bid Department of Defense contract or
10 subcontract or a competitively bid federal agency contract or
11 subcontract issued on behalf of the Department of Defense for
12 manufacturing, assembling, fabricating, research, development,
13 or design with a duration of 2 or more years, but excluding
14 any contract or subcontract to provide goods, improvements to
15 real or tangible property, or services directly to or for any
16 particular military base or installation in this state. The
17 term includes contracts or subcontracts for products or
18 services for military or homeland security use which contracts
19 or subcontracts are approved by the United States Department
20 of Defense, the United States Department of State, or the
21 United States Department of Homeland Security ~~Coast Guard~~.

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

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

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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

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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 June 30, 2004 ~~July 1, 2003~~. However, a qualified
7 applicant that has received at least one economic-stimulus
8 exemption may not apply for an additional exemption.

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

12 Section 3. Paragraph (o) of subsection (1) and
13 paragraph (b) of subsection (4) of section 288.106, Florida
14 Statutes, are amended to read:

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

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

18 (o) "Target industry business" means a corporate
19 headquarters business or any business that is engaged in one
20 of the target industries identified pursuant to the following
21 criteria developed by the office in consultation with
22 Enterprise Florida, Inc.:

23 1. Future growth.--Industry forecasts should indicate
24 strong expectation for future growth in both employment and
25 output, according to the most recent available data. Special
26 consideration should be given to Florida's growing access to
27 international markets or to replacing imports.

28 2. Stability.--The industry should not be subject to
29 periodic layoffs, whether due to seasonality or sensitivity to
30 volatile economic variables such as weather. The industry
31 should also be relatively resistant to recession, so that the

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1 demand for products of this industry is not necessarily
 2 subject to decline during an economic downturn.

3 3. High wage.--The industry should pay relatively high
 4 wages compared to statewide or area averages.

5 4. Market and resource independent.--The location of
 6 industry businesses should not be dependent on Florida markets
 7 or resources as indicated by industry analysis.

8 5. Industrial base diversification and
 9 strengthening.--The industry should contribute toward
 10 expanding or diversifying the state's or area's economic base,
 11 as indicated by analysis of employment and output shares
 12 compared to national and regional trends. Special
 13 consideration should be given to industries that strengthen
 14 regional economies by adding value to basic products or
 15 building regional industrial clusters as indicated by industry
 16 analysis. Special consideration also should be given to
 17 developing strong industrial clusters, including defense and
 18 homeland security.

19 6. Economic benefits.--The industry should have strong
 20 positive impacts on or benefits to the state and regional
 21 economies.

22
 23 The office, in consultation with Enterprise Florida, Inc.,
 24 shall develop a list of such target industries annually and
 25 submit such list as part of the final agency legislative
 26 budget request submitted pursuant to s. 216.023(1). A target
 27 industry business may not include any industry engaged in
 28 retail activities; any electrical utility company; any
 29 phosphate or other solid minerals severance, mining, or
 30 processing operation; any oil or gas exploration or production
 31 operation; or any firm subject to regulation by the Division

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1 of Hotels and Restaurants of the Department of Business and
 2 Professional Regulation.

3 (4) TAX REFUND AGREEMENT.--

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

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

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

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

14 4. A qualified target industry business may submit a
15 request for an economic-stimulus exemption to the office in
16 lieu of any tax refund claim scheduled to be submitted after
17 January 1, 2001, but before June 30, 2004 ~~July 1, 2003~~.
18 However, a qualified target industry business that has
19 received at least one economic-stimulus exemption may not
20 apply for an additional exemption.

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

24 Section 4. Subsection (4) is added to section
25 288.1088, Florida Statutes, to read:

26 288.1088 Quick Action Closing Fund.--

27 (4) The Governor may, in an emergency or special
28 circumstance and with the approval of the President of the
29 Senate and the Speaker of the House of Representatives,
30 reallocate unencumbered funds appropriated to the Quick Action
31 Closing Fund to supplement statutorily created economic

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1 development programs and operations. The Executive Office of
 2 the Governor shall recommend approval of the transfer and
 3 release of funds pursuant to the legislative consultation and
 4 review requirements set forth in s. 216.177.

5 Section 5. Section 445.048, Florida Statutes, is
 6 amended to read:

7 445.048 Passport to Economic Progress demonstration
 8 program.--

9 (1) AUTHORIZATION.--Notwithstanding any law to the
 10 contrary, Workforce Florida, Inc., in conjunction with the
 11 Department of Children and Family Services and the Agency for
 12 Workforce Innovation, shall implement a Passport to Economic
 13 Progress demonstration program ~~by November 1, 2001,~~ consistent
 14 with the provisions of this section in Hillsborough, ~~and~~
 15 Manatee, and Sarasota counties. Workforce Florida, Inc., must
 16 consult with the applicable regional workforce boards and the
 17 applicable local offices of the department which serve the
 18 demonstration areas and must encourage community input into
 19 the implementation process.

20 (2) WAIVERS.--If Workforce Florida, Inc., in
 21 consultation with the Department of Children and Family
 22 Services, finds that federal waivers would facilitate
 23 implementation of the demonstration program, the department
 24 shall immediately request such waivers, and Workforce Florida,
 25 Inc., shall report to the Governor, the President of the
 26 Senate, and the Speaker of the House of Representatives if any
 27 refusal of the federal government to grant such waivers
 28 prevents the implementation of the demonstration program. If
 29 Workforce Florida, Inc., finds that federal waivers to
 30 provisions of the Food Stamp Program would facilitate
 31 implementation of the demonstration program, the Department of

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1 Children and Family Services shall immediately request such
2 waivers in accordance with s. 414.175.

3 ~~(3) INCOME DISREGARD.--In order to provide an~~
4 ~~additional incentive for employment, and notwithstanding the~~
5 ~~amount specified in s. 414.095(12), for individuals residing~~
6 ~~in the areas designated for this demonstration program, the~~
7 ~~first \$300 plus one-half of the remainder of earned income~~
8 ~~shall be disregarded in determining eligibility for temporary~~
9 ~~cash assistance. All other conditions and requirements of s.~~
10 ~~414.095(12) shall continue to apply to such individuals.~~

11 (3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order
12 to assist them in making the transition to economic
13 self-sufficiency, former recipients of temporary cash
14 assistance residing within the areas designated for this
15 demonstration program shall be eligible for the following
16 benefits and services:

17 (a) Notwithstanding the time period specified in s.
18 445.030, transitional education and training support services
19 as specified in s. 445.030 for up to 4 years after the family
20 is no longer receiving temporary cash assistance;

21 (b) Notwithstanding the time period specified in s.
22 445.031, transitional transportation support services as
23 specified in s. 445.031 for up to 4 years after the family is
24 no longer receiving temporary cash assistance; and

25 (c) Notwithstanding the time period specified in s.
26 445.032, transitional child care as specified in s. 445.032
27 for up to 4 years after the family is no longer receiving
28 temporary cash assistance.

29
30 All other provisions of ss. 445.030, 445.031, and 445.032
31 shall apply to such individuals, as appropriate. This

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1 subsection does not constitute an entitlement to transitional
2 benefits and services. If funds are insufficient to provide
3 benefits and services under this subsection, the board of
4 directors of Workforce Florida, Inc., may limit such benefits
5 and services or otherwise establish priorities for the
6 provisions of such benefits and services.

7 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.--

8 (a) The Legislature finds that:

9 1. There are former recipients of temporary cash
10 assistance who are working full time but whose incomes are
11 below the poverty level.

12 2. Having incomes below the federal poverty level
13 makes such individuals particularly vulnerable to reliance on
14 public assistance despite their best efforts to achieve or
15 maintain economic independence through employment.

16 3. It is necessary to implement a performance-based
17 program that defines economic incentives for achieving
18 specific benchmarks toward self-sufficiency while the
19 individual is working full time.

20 (b) Workforce Florida, Inc., in cooperation with the
21 Department of Children and Family Services and the Agency for
22 Workforce Innovation, shall offer performance-based incentive
23 bonuses as a component of the Passport to Economic Progress
24 demonstration program in the areas of the state which are
25 designated for the demonstration program. The bonuses do not
26 represent a program entitlement and shall be contingent on
27 achieving specific benchmarks prescribed in the
28 self-sufficiency plan. If the funds appropriated for this
29 purpose are insufficient to provide this financial incentive,
30 the board of directors of Workforce Florida, Inc., shall
31 reduce or suspend the bonuses in order not to exceed the

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1 appropriation.

2 ~~(5) WAGE SUPPLEMENTATION.---~~

3 ~~(a) The Legislature finds that:~~

4 ~~1. There are former recipients of temporary cash~~
 5 ~~assistance who are working full time but whose incomes are~~
 6 ~~below the federal poverty level.~~

7 ~~2. Having incomes below the federal poverty level~~
 8 ~~makes such individuals particularly vulnerable to reliance on~~
 9 ~~public assistance despite their best efforts to achieve or~~
 10 ~~maintain economic independence through employment.~~

11 ~~3. It is necessary to supplement the wages of such~~
 12 ~~individuals for a limited period of time in order to assist~~
 13 ~~them in fulfilling the transition to economic~~
 14 ~~self-sufficiency.~~

15 ~~(b) Workforce Florida, Inc., in cooperation with the~~
 16 ~~Department of Children and Family Services and the Agency for~~
 17 ~~Workforce Innovation, shall create a transitional wage~~
 18 ~~supplementation program by November 1, 2001, as a component of~~
 19 ~~the Passport to Economic Progress demonstration program in the~~
 20 ~~areas designated for the demonstration program. This wage~~
 21 ~~supplementation program does not constitute an entitlement to~~
 22 ~~wage supplementation. If funds appropriated are insufficient~~
 23 ~~to provide wage supplementation, the board of directors of~~
 24 ~~Workforce Florida, Inc., may limit wage supplementation or~~
 25 ~~otherwise establish priorities for wage supplementation.~~

26 ~~(c) To be eligible for an incentive bonus wage~~
 27 ~~supplementation under this subsection, an individual must:~~

28 ~~1. Be a former recipient of temporary cash assistance~~
 29 ~~who last received such assistance on or after January 1, 2000;~~

30 ~~2. Be employed full time, which for the purposes of~~
 31 ~~this subsection means employment averaging at least 32 hours~~

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1 per week until the United States Congress enacts legislation
 2 reauthorizing the Temporary Assistance for Needy Families
 3 block grant, and, after the reauthorization, means employment
 4 complying with the employment requirements of the reauthorized
 5 law; and

6 3. Have an average family income for the 6 months
 7 preceding the date of application for an incentive bonus wage
 8 supplementation which is less than 100 percent of the federal
 9 poverty level.

10 ~~(d) Workforce Florida, Inc., shall determine the~~
 11 ~~schedule for the payment of wage supplementation under this~~
 12 ~~subsection. An individual eligible for wage supplementation~~
 13 ~~under this subsection may receive a payment that equals the~~
 14 ~~amount necessary to bring the individual's total family income~~
 15 ~~for the period covered by the payment to 100 percent of the~~
 16 ~~federal poverty level. An individual may not receive wage~~
 17 ~~supplementation payments for more than a total of 12 months.~~

18 ~~(e) The wage supplementation program authorized by~~
 19 ~~this subsection shall be administered through the regional~~
 20 ~~workforce boards and the one-stop delivery system, under~~
 21 ~~policy guidelines, criteria, and applications developed by~~
 22 ~~Workforce Florida, Inc., in cooperation with the Department of~~
 23 ~~Children and Family Services and the Agency for Workforce~~
 24 ~~Innovation. To the maximum extent possible, the regional~~
 25 ~~workforce boards shall use electronic debit card technologies~~
 26 ~~to provide wage supplementation payments under this program.~~

27 (5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce
 28 Florida, Inc., in conjunction with the Department of Children
 29 and Family Services, the Agency for Workforce Innovation, and
 30 the regional workforce boards in the areas designated for this
 31 demonstration program, shall conduct a comprehensive

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1 | evaluation of the effectiveness of the demonstration program
 2 | operated under this section. By January 1, 2005 ~~2003~~,
 3 | Workforce Florida, Inc., shall submit a report on such
 4 | evaluation to the Governor, the President of the Senate, and
 5 | the Speaker of the House of Representatives. The report must
 6 | include recommendations as to whether the demonstration
 7 | program should be expanded to other service areas or statewide
 8 | and whether the program should be revised to enhance its
 9 | administration or effectiveness.

10 | ~~(6)(7)~~ CONFLICTS.--If there is a conflict between the
 11 | implementation procedures described in this section and
 12 | federal requirements and regulations, federal requirements and
 13 | regulations shall control.

14 | Section 6. The sum of \$1,785,000 is appropriated for
 15 | the 2003-2004 fiscal year from the Federal Grants Trust Fund
 16 | to the Department of Children and Family Services to provide
 17 | bonus payments pursuant to section 445.048(4), Florida
 18 | Statutes, and the sum of \$1,074,200 is appropriated for the
 19 | 2003-2004 fiscal year from the Welfare Transition Trust Fund
 20 | to the Agency for Workforce Innovation to extend transitional
 21 | benefits and services.

22 | Section 7. This act shall take effect upon becoming a
 23 | law.

24 |
 25 |
 26 | ===== T I T L E A M E N D M E N T =====

27 | And the title is amended as follows:

28 | Delete everything before the enacting clause

29 |
 30 | and insert:

31 | A bill to be entitled

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1 An act relating to economic stimulus; amending
2 s. 220.191, F.S.; redefining the term
3 "qualifying project" for purposes of capital
4 investment tax credits; amending s. 288.1045,
5 F.S.; revising the definition of "Department of
6 Defense contract" under the tax refund program
7 for qualified defense contractors; extending
8 the period applicable to a program exemption
9 under certain conditions; amending s. 288.106,
10 F.S.; providing for special consideration to be
11 given to defense and homeland security under
12 the tax refund program for qualified target
13 industry businesses; extending the period
14 applicable to a program exemption under certain
15 conditions; amending s. 288.1088, F.S.;
16 revising requirements and providing powers of
17 the Governor with respect to using funds in the
18 Quick Action Closing Fund; amending s. 445.048,
19 F.S.; continuing and expanding the Passport to
20 Economic Progress demonstration project;
21 providing appropriations; providing an
22 effective date.

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