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1 A bill to be entitled

2 An act relating to economic stimulus; amending s. 212.052,  
3 F.S.; exempting machinery and equipment used predominantly  
4 for research and development; amending s. 212.08, F.S.;  
5 revising sales price criteria for characterizing business  
6 property; amending s. 212.097, F.S.; revising provisions  
7 providing for an urban job tax credit program to apply to  
8 designated urban job tax credit areas rather than high  
9 crime areas; revising definitions, eligibility criteria,  
10 application procedures and requirements, and area  
11 characteristics and criteria; authorizing transfer of  
12 unused credits; specifying use of transferred credits;  
13 amending s. 220.191, F.S.; revising definitions; amending  
14 s. 288.9515, F.S.; revising and clarifying powers of  
15 Enterprise Florida, Inc., to develop authorized technology  
16 development programs; deleting a preference requirement  
17 for contractor selections; clarifying a requirement for  
18 capitalization of a technology development financing fund;  
19 revising criteria and requirements for investment of  
20 moneys in the Florida Technology Research Investment Fund;  
21 providing for payment of claims against the program from  
22 the fund; specifying nonapplication of state credit or  
23 taxing power; specifying absence of state liability for  
24 certain claims; repealing s. 288.9517, F.S., relating to  
25 audits of the technology development board and  
26 confidentiality of the identity of certain contributors to  
27 the board; providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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31 Section 1. Subsection (2) of section 212.052, Florida  
32 Statutes, is amended, subsections (3), (4) and (5) of said  
33 section are renumbered as subsections (4), (5), and (6),  
34 respectively, and a new subsection (3) is added to said section,  
35 to read:

36 212.052 Research or development costs; exemption.--

37 (2) Notwithstanding any provision of this chapter to the  
38 contrary, any person, including an affiliated group as defined  
39 in s. 1504 of the Internal Revenue Code of 1954, as amended, who  
40 manufactures, produces, compounds, processes, or fabricates in  
41 any manner tangible personal property for such taxpayer's own  
42 use directly and solely in research or development shall not be  
43 subject to the tax imposed by this chapter upon the cost of the  
44 product so manufactured, produced, compounded, processed, or  
45 fabricated. ~~However, the tax imposed by this chapter shall be  
46 due on the purchase, rental, or repair of real property or  
47 tangible personal property employed in research or development  
48 which is subject to the tax imposed by this chapter at the time  
49 of purchase or rental.~~

50 (3)(a) Machinery and equipment are exempt from the tax  
51 imposed by this chapter if used predominately for research and  
52 development activities. For purposes of this subsection,  
53 "machinery and equipment" includes molds, dies, machine tooling,  
54 other appurtenances or accessories to machinery and equipment,  
55 testing equipment, test beds, computers, and software, whether  
56 purchased or self-fabricated, and, if self-fabricated, includes  
57 materials and labor for design, fabrication, and assembly.

58 (b) A business certified to receive this exemption may  
59 elect to designate one or more state universities or community  
60 colleges as recipients of up to 100 percent of the amount of the



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61 exemption for which it may qualify. To receive these funds, the  
62 institution must agree to match the funds so earned with  
63 equivalent cash, programs, services, or other in-kind support on  
64 a one-to-one basis in the pursuit of research and development  
65 projects as requested by the certified business. The rights to  
66 any patents, royalties, or real or intellectual property must be  
67 vested in the business unless otherwise agreed to by the  
68 business and the university or community college.

69 Section 2. Paragraph (h) of subsection (5) of section  
70 212.08, Florida Statutes, is amended to read:

71 212.08 Sales, rental, use, consumption, distribution, and  
72 storage tax; specified exemptions.--The sale at retail, the  
73 rental, the use, the consumption, the distribution, and the  
74 storage to be used or consumed in this state of the following  
75 are hereby specifically exempt from the tax imposed by this  
76 chapter.

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

78 (h) Business property used in an enterprise zone.--

79 1. Business property purchased for use by businesses  
80 located in an enterprise zone which is subsequently used in an  
81 enterprise zone shall be exempt from the tax imposed by this  
82 chapter. This exemption inures to the business only through a  
83 refund of previously paid taxes. A refund shall be authorized  
84 upon an affirmative showing by the taxpayer to the satisfaction  
85 of the department that the requirements of this paragraph have  
86 been met.

87 2. To receive a refund, the business must file under oath  
88 with the governing body or enterprise zone development agency  
89 having jurisdiction over the enterprise zone where the business  
90 is located, as applicable, an application which includes:



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91 a. The name and address of the business claiming the  
92 refund.

93 b. The identifying number assigned pursuant to s. 290.0065  
94 to the enterprise zone in which the business is located.

95 c. A specific description of the property for which a  
96 refund is sought, including its serial number or other permanent  
97 identification number.

98 d. The location of the property.

99 e. The sales invoice or other proof of purchase of the  
100 property, showing the amount of sales tax paid, the date of  
101 purchase, and the name and address of the sales tax dealer from  
102 whom the property was purchased.

103 f. Whether the business is a small business as defined by  
104 s. 288.703(1).

105 g. If applicable, the name and address of each permanent  
106 employee of the business, including, for each employee who is a  
107 resident of an enterprise zone, the identifying number assigned  
108 pursuant to s. 290.0065 to the enterprise zone in which the  
109 employee resides.

110 3. Within 10 working days after receipt of an application,  
111 the governing body or enterprise zone development agency shall  
112 review the application to determine if it contains all the  
113 information required pursuant to subparagraph 2. and meets the  
114 criteria set out in this paragraph. The governing body or agency  
115 shall certify all applications that contain the information  
116 required pursuant to subparagraph 2. and meet the criteria set  
117 out in this paragraph as eligible to receive a refund. If  
118 applicable, the governing body or agency shall also certify if  
119 20 percent of the employees of the business are residents of an  
120 enterprise zone, excluding temporary and part-time employees.



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121 The certification shall be in writing, and a copy of the  
122 certification shall be transmitted to the executive director of  
123 the Department of Revenue. The business shall be responsible for  
124 forwarding a certified application to the department within the  
125 time specified in subparagraph 4.

126 4. An application for a refund pursuant to this paragraph  
127 must be submitted to the department within 6 months after the  
128 tax is due on the business property that is purchased.

129 5. The provisions of s. 212.095 do not apply to any refund  
130 application made pursuant to this paragraph. The amount refunded  
131 on purchases of business property under this paragraph shall be  
132 the lesser of 97 percent of the sales tax paid on such business  
133 property or \$5,000, or, if no less than 20 percent of the  
134 employees of the business are residents of an enterprise zone,  
135 excluding temporary and part-time employees, the amount refunded  
136 on purchases of business property under this paragraph shall be  
137 the lesser of 97 percent of the sales tax paid on such business  
138 property or \$10,000. A refund approved pursuant to this  
139 paragraph shall be made within 30 days of formal approval by the  
140 department of the application for the refund. No refund shall be  
141 granted under this paragraph unless the amount to be refunded  
142 exceeds \$100 in sales tax paid on purchases made within a 60-day  
143 time period.

144 6. The department shall adopt rules governing the manner  
145 and form of refund applications and may establish guidelines as  
146 to the requisites for an affirmative showing of qualification  
147 for exemption under this paragraph.

148 7. If the department determines that the business property  
149 is used outside an enterprise zone within 3 years from the date  
150 of purchase, the amount of taxes refunded to the business



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151 purchasing such business property shall immediately be due and  
152 payable to the department by the business, together with the  
153 appropriate interest and penalty, computed from the date of  
154 purchase, in the manner provided by this chapter.

155 Notwithstanding this subparagraph, business property used  
156 exclusively in:

- 157 a. Licensed commercial fishing vessels,
- 158 b. Fishing guide boats, or
- 159 c. Ecotourism guide boats

160

161 that leave and return to a fixed location within an area  
162 designated under s. 370.28 are eligible for the exemption  
163 provided under this paragraph if all requirements of this  
164 paragraph are met. Such vessels and boats must be owned by a  
165 business that is eligible to receive the exemption provided  
166 under this paragraph. This exemption does not apply to the  
167 purchase of a vessel or boat.

168 8. The department shall deduct an amount equal to 10  
169 percent of each refund granted under the provisions of this  
170 paragraph from the amount transferred into the Local Government  
171 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20  
172 for the county area in which the business property is located  
173 and shall transfer that amount to the General Revenue Fund.

174 9. For the purposes of this exemption, "business property"  
175 means new or used property defined as "recovery property" in s.  
176 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 177 a. Property classified as 3-year property under s.  
178 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;



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179           b. Industrial machinery and equipment as defined in sub-  
180 subparagraph (b)6.a. and eligible for exemption under paragraph  
181 (b);

182           c. Building materials as defined in sub-subparagraph  
183 (g)8.a.; and

184           d. Business property having a sales price of under \$500  
185 ~~\$5,000~~ per unit.

186           10. The provisions of this paragraph shall expire and be  
187 void on December 31, 2005.

188           Section 3. Section 212.097, Florida Statutes, is amended  
189 to read:

190           212.097 Designated Urban ~~High-Crime Area~~ Job Tax Credit  
191 Area Program.--

192           (1) As used in this section, the term:

193           (a) "Eligible business" means any sole proprietorship,  
194 firm, partnership, or corporation that is located in a  
195 designated urban job tax credit area ~~qualified county~~ and is  
196 predominantly engaged in, or is headquarters for a business  
197 predominantly engaged in, activities usually provided for  
198 consideration by firms classified within the following standard  
199 industrial classifications: SIC 01-SIC 09 (agriculture,  
200 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-  
201 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and  
202 storage); SIC 70 (hotels and other lodging places); SIC 7391  
203 (research and development); SIC 781 (motion picture production  
204 and allied services); SIC 7992 (public golf courses); ~~and~~ SIC  
205 7996 (amusement parks); and a targeted industry eligible for the  
206 qualified target industry business tax refund under s. 288.106.

207 A call center or similar customer service operation that  
208 services a multistate market or international market is also an



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209 eligible business. In addition, the Office of Tourism, Trade,  
210 and Economic Development may, as part of its final budget  
211 request submitted pursuant to s. 216.023, recommend additions to  
212 or deletions from the list of standard industrial  
213 classifications used to determine an eligible business, and the  
214 Legislature may implement such recommendations. Excluded from  
215 eligible receipts are receipts from retail sales, except such  
216 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other  
217 lodging places classified in SIC 70, public golf courses in SIC  
218 7992, and amusement parks in SIC 7996. For purposes of this  
219 paragraph, the term "predominantly" means that more than 50  
220 percent of the business's gross receipts from all sources is  
221 generated by those activities usually provided for consideration  
222 by firms in the specified standard industrial classification.  
223 The determination of whether the business is located in a  
224 designated urban job tax credit ~~qualified high-crime~~ area ~~and~~  
225 ~~the tier ranking of that area~~ must be based on the date of  
226 application for the credit under this section. Commonly owned  
227 and controlled entities are to be considered a single business  
228 entity.

229 (b) "Qualified employee" means any employee of an eligible  
230 business who performs duties in connection with the operations  
231 of the business on a regular, full-time basis for an average of  
232 at least 36 hours per week for at least 3 months within the  
233 designated urban job tax credit ~~qualified high-crime~~ area in  
234 which the eligible business is located. An owner or partner of  
235 the eligible business is not a qualified employee. The term also  
236 includes an employee leased from an employee leasing company  
237 licensed under chapter 468, if such employee has been





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238 continuously leased to the employer for an average of at least  
 239 36 hours per week for more than 6 months.

240 (c) "New business" means any eligible business first  
 241 beginning operation on a site in a designated urban job tax  
 242 credit ~~qualified high-crime~~ area and clearly separate from any  
 243 other commercial or business operation of the business entity  
 244 within a designated urban job tax credit ~~qualified high-crime~~  
 245 area. A business entity that operated an eligible business  
 246 within a designated urban job tax credit ~~qualified high-crime~~  
 247 area within the 48 months before the period provided for  
 248 application by subsection (2) is not considered a new business.

249 (d) "Existing business" means any eligible business that  
 250 does not meet the criteria for a new business.

251 (e) "Designated urban job tax credit ~~Qualified high-crime~~  
 252 area" means an area selected by the Office of Tourism, Trade,  
 253 and Economic Development in the following manner: every third  
 254 year, the office shall rank ~~and tier~~ those areas nominated under  
 255 subsection (7), according to the highest level of distress  
 256 experienced in the categories enumerated under subsection (7).  
 257 The Office of Tourism, Trade, and Economic Development shall  
 258 designate the 30 highest distress profile urban areas as  
 259 eligible participants under the urban job tax credit program  
 260 following prioritized criteria:

261 1. ~~Highest arrest rates within the geographic area for~~  
 262 ~~violent crime and for such other crimes as drug sale, drug~~  
 263 ~~possession, prostitution, vandalism, and civil disturbances;~~

264 2. ~~Highest reported crime volume and rate of specific~~  
 265 ~~property crimes such as business and residential burglary, motor~~  
 266 ~~vehicle theft, and vandalism;~~



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267 ~~3. Highest percentage of reported index crimes that are~~  
268 ~~violent in nature;~~

269 ~~4. Highest overall index crime volume for the area; and~~

270 ~~5. Highest overall index crime rate for the geographic~~  
271 ~~area.~~

272

273 ~~Tier one areas are ranked 1 through 5 and represent the highest~~  
274 ~~crime areas according to this ranking. Tier two areas are ranked~~  
275 ~~6 through 10 according to this ranking. Tier three areas are~~  
276 ~~ranked 11 through 15. Notwithstanding this definition,~~

277 ~~"designated urban job tax credit qualified high-crime area" also~~  
278 ~~means an area that has been designated as a federal Empowerment~~  
279 ~~Zone pursuant to the Taxpayer Relief Act of 1997. Such a~~  
280 ~~designated area is ranked in tier three until the areas are~~  
281 ~~reevaluated by the Office of Tourism, Trade, and Economic~~  
282 ~~Development.~~

283 (2) A new eligible business may apply for a tax credit  
284 under this subsection once at any time during its first year of  
285 operation. A new eligible business in a designated urban job tax  
286 credit ~~tier one qualified high-crime area~~ which has at least 10  
287 qualified employees on the date of application shall receive a  
288 \$1,500 tax credit for each such employee. A new eligible  
289 ~~business in a tier two qualified high-crime area which has at~~  
290 ~~least 20 qualified employees on the date of application shall~~  
291 ~~receive a \$1,000 tax credit for each such employee. A new~~  
292 ~~eligible business in a tier three qualified high-crime area~~  
293 ~~which has at least 30 qualified employees on the date of~~  
294 ~~application shall receive a \$500 tax credit for each such~~  
295 ~~employee.~~



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296 (3) An existing eligible business may apply for a tax  
297 credit under this subsection at any time it is entitled to such  
298 credit, except as restricted by this subsection. An existing  
299 eligible business in a designated urban job tax credit tier one  
300 ~~qualified high-crime~~ area which on the date of application has  
301 at least 10 ~~5~~ more qualified employees than it had 1 year prior  
302 to its date of application shall receive a ~~\$1,500 tax credit for~~  
303 ~~each such additional employee. An existing eligible business in~~  
304 ~~a tier-two qualified high-crime area which on the date of~~  
305 ~~application has at least 10 more qualified employees than it had~~  
306 ~~1 year prior to its date of application shall receive a \$1,000~~  
307 ~~credit for each such additional employee. An existing business~~  
308 ~~in a tier-three qualified high-crime area which on the date of~~  
309 ~~application has at least 15 more qualified employees than it had~~  
310 ~~1 year prior to its date of application shall receive a \$500 tax~~  
311 ~~credit for each such additional employee.~~ An existing eligible  
312 business may apply for the credit under this subsection no more  
313 than once in any 12-month period. Any existing eligible business  
314 that received a credit under subsection (2) may not apply for  
315 the credit under this subsection sooner than 12 months after the  
316 application date for the credit under subsection (2).

317 (4) For any new eligible business receiving a credit  
318 pursuant to subsection (2), an additional \$500 credit shall be  
319 provided for any qualified employee who is a welfare transition  
320 program participant. For any existing eligible business  
321 receiving a credit pursuant to subsection (3), an additional  
322 \$500 credit shall be provided for any qualified employee who is  
323 a welfare transition program participant. Such employee must be  
324 employed on the application date and have been employed less  
325 than 1 year. This credit shall be in addition to other credits



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326 pursuant to this section ~~regardless of the tier level of the~~  
327 ~~high-crime area~~. Appropriate documentation concerning the  
328 eligibility of an employee for this credit must be submitted as  
329 determined by the department.

330 (5) To be eligible for a tax credit under subsection (3),  
331 the number of qualified employees employed 1 year prior to the  
332 application date must be no lower than the number of qualified  
333 employees on the application date on which a credit under this  
334 section was based for any previous application, including an  
335 application under subsection (2).

336 (6) Any county or municipality, or a county and one or  
337 more municipalities together, may apply to the Office of  
338 Tourism, Trade, and Economic Development for the designation of  
339 an area as a designated urban job tax credit ~~high-crime~~ area  
340 after the adoption by the governing body or bodies of a  
341 resolution that:

342 (a) Finds that an urban ~~a high-crime~~ area exists in such  
343 county or municipality, or in both the county and one or more  
344 municipalities, which chronically exhibits extreme and  
345 unacceptable levels of poverty, unemployment, physical  
346 deterioration, and economic disinvestment;

347 (b) Determines that the rehabilitation, conservation, or  
348 redevelopment, or a combination thereof, of such an urban ~~a~~  
349 ~~high-crime~~ area is necessary in the interest of the health,  
350 safety, and welfare of the residents of such county or  
351 municipality, or such county and one or more municipalities; and

352 (c) Determines that the revitalization of such an urban ~~a~~  
353 ~~high-crime~~ area can occur if the public sector or private sector  
354 can be induced to invest its own resources in productive



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355 enterprises that build or rebuild the economic viability of the  
356 area.

357 (7) The governing body of the entity nominating the area  
358 shall demonstrate ~~provide~~ to the Office of Tourism, Trade, and  
359 Economic Development that the area meets the following:

360 (a) Income characteristics:

361 1. Forty percent of area residents earn at or below  
362 minimum wage; or

363 2. More than 20 percent of residents or families live  
364 below the federal standard of poverty for individuals or a  
365 family of four. ~~The overall index crime rate for the geographic~~  
366 ~~area;~~

367 (b) Education characteristics:

368 1. Has a high school dropout rate higher than the county  
369 average; or

370 2. Has a high school graduation rate lower than the state  
371 average. ~~The overall index crime volume for the area;~~

372 (c) Workforce and employment characteristics:

373 1. Has an unemployment rate at least 3 percentage points  
374 higher than the state's unemployment rate;

375 2. Greater than 50 percent of families subject to the  
376 welfare-to-work transition time limit are either within 6 months  
377 of the time limit or are receiving cash assistance under a  
378 period of hardship extension to the time limit; or

379 3. Is identified as a labor surplus area using the  
380 criteria established by the United States Department of Labor's  
381 Employment and Training Administration. ~~The percentage of~~  
382 ~~reported index crimes that are violent in nature;~~

383 (d) Crime characteristics:

384 1. Has an arrest rate higher than the state's average rate



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385 for such crimes as drug sale, drug possession, prostitution,  
386 vandalism, and civil disturbances, as recorded by total crime  
387 index of the Department of Law Enforcement; or

388 2. Ranks in the top 30 percent of zip codes with reported  
389 crimes that are violent in nature. ~~The reported crime volume and~~  
390 ~~rate of specific property crimes such as business and~~  
391 ~~residential burglary, motor vehicle theft, and vandalism; and~~

392 (e) Residential and commercial property related  
393 characteristics:

394 1. Fifty percent or more of area residents rent;

395 2.a. Property values are within the lower 50 percent of  
396 the county's assessed property values;

397 b. More than 5 percent of area homes, apartments, or  
398 buildings are abandoned, have been condemned within the previous  
399 24 months, or have a greater number of violations of the Florida  
400 Building Code than recorded in the remainder of the county or  
401 municipality; or

402 c. Tax or special assessment delinquencies which exceed  
403 the fair value of the land. ~~The arrest rates within the~~  
404 ~~geographic area for violent crime and for such other crimes as~~  
405 ~~drug sale, drug possession, prostitution, disorderly conduct,~~  
406 ~~vandalism, and other public order offenses.~~

407 (8) A municipality, or a county and one or more  
408 municipalities together, may not nominate more than one urban  
409 high-crime area. However, any county as defined by s. 125.011(1)  
410 may nominate no more than three urban high-crime areas.

411 (9)(a) An area nominated by a county or municipality, or a  
412 county and one or more municipalities together, for designation  
413 as an urban job tax credit a high-crime area shall be eligible  
414 only if it meets the following criteria:



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415 ~~1.(a)~~ The selected area ~~does not exceed 20 square miles~~  
416 ~~and either~~ has a continuous boundary or consists of not more  
417 than three noncontiguous parcels. †

418 ~~2.(b)~~ The selected area does not exceed the following  
419 mileage limitation:

420 ~~a.1.~~ For areas ~~communities~~ having a total population of  
421 150,000 persons or more, the selected area does not exceed 20  
422 square miles and is within 10 miles of the central business  
423 district of a city.

424 ~~b.2.~~ For areas ~~communities~~ having a total population of  
425 50,000 persons or more, but fewer than 150,000 persons, the  
426 selected area does not exceed 10 square miles and is within 7.5  
427 miles of the central business district of a city.

428 ~~c.3.~~ For areas ~~communities~~ having a total population of  
429 20,000 persons or more, but fewer than 50,000 persons, the  
430 selected area does not exceed 5 square miles and is within 5  
431 miles of the central business district of a city.

432 ~~d.4.~~ For areas ~~communities~~ having a total population of  
433 fewer than 20,000 persons, the selected area does not exceed 3  
434 square miles and is within 3 miles of the central business  
435 district of a city.

436 (b) A designated urban core or inner city may not include  
437 any portion of a central business district, as that term is used  
438 for purposes of the most recent Census of Retail Trade, unless  
439 the poverty rate for each census geographic block group in the  
440 district is not less than 30 percent.

441 (10)(a) In order to claim this credit, an eligible  
442 business must file under oath with the Office of Tourism, Trade,  
443 and Economic Development a statement that includes the name and



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444 address of the eligible business and any other information that  
445 is required to process the application.

446 (b) Within 30 working days after receipt of an application  
447 for credit, the Office of Tourism, Trade, and Economic  
448 Development shall review the application to determine whether it  
449 contains all the information required by this subsection and  
450 meets the criteria set out in this section. Subject to the  
451 provisions of paragraph (c), the Office of Tourism, Trade, and  
452 Economic Development shall approve all applications that contain  
453 the information required by this subsection and meet the  
454 criteria set out in this section as eligible to receive a  
455 credit.

456 (c) The maximum credit amount that may be approved during  
457 any calendar year is \$5 million, ~~of which \$1 million shall be~~  
458 ~~exclusively reserved for tier one areas.~~ The Department of  
459 Revenue, in conjunction with the Office of Tourism, Trade, and  
460 Economic Development, shall notify the governing bodies in areas  
461 designated under this section ~~as urban high-crime areas~~ when the  
462 \$5 million maximum amount has been reached. Applications must be  
463 considered for approval in the order in which they are received  
464 without regard to whether the credit is for a new or existing  
465 business. This limitation applies to the value of the credit as  
466 contained in approved applications. Approved credits may be  
467 taken in the time and manner allowed pursuant to this section.

468 (11) If the application is insufficient to support the  
469 credit authorized in this section, the Office of Tourism, Trade,  
470 and Economic Development shall deny the credit and notify the  
471 business of that fact. The business may reapply for this credit  
472 within 3 months after such notification.





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473 (12) If the credit under this section is greater than can  
474 be taken on a single tax return, excess amounts may be taken as  
475 credits on any tax return submitted within 12 months after the  
476 approval of the application by the department.

477 (13) It is the responsibility of each business to  
478 affirmatively demonstrate to the satisfaction of the Department  
479 of Revenue that it meets the requirements of this section.

480 (14) Any person who fraudulently claims this credit is  
481 liable for repayment of the credit plus a mandatory penalty of  
482 100 percent of the credit and is guilty of a misdemeanor of the  
483 second degree, punishable as provided in s. 775.082 or s.  
484 775.083.

485 (15) A corporation may take the credit under this section  
486 against its corporate income tax liability, as provided in s.  
487 220.1895. However, a corporation that applies its job tax credit  
488 against the tax imposed by chapter 220 may not receive the  
489 credit provided for in this section. A credit may be taken  
490 against only one tax.

491 (16) A corporation may transfer any unused credit in whole  
492 or in units of no less than 25 percent of the remaining credit.  
493 The entity acquiring such credit may use it in the same manner  
494 and with the same limitation as described in this section. Such  
495 transferred credits may not be transferred again although they  
496 may succeed to a surviving or acquiring entity subject to the  
497 same conditions and limitations described in this section.

498 (17)~~(16)~~ The department shall adopt rules governing the  
499 manner and form of applications for credit or transfers of  
500 credit and may establish guidelines concerning the requisites



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501 for an affirmative showing of qualification for the credit under  
 502 this section.

503 Section 4. Paragraphs (e) and (h) of subsection (1) of  
 504 section 220.191, Florida Statutes, are amended to read:

505 220.191 Capital investment tax credit.--

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

507 (e) "Jobs" means full-time equivalent positions, as such  
 508 term is consistent with terms used by the Agency for Workforce  
 509 Innovation Department of Labor and Employment Security and the  
 510 United States Department of Labor for purposes of unemployment  
 511 tax administration and employment estimation, resulting directly  
 512 from a project in this state. Such term does not include  
 513 temporary construction jobs involved in the construction of the  
 514 project facility.

515 (h) "Qualifying project" means a new or expanding facility  
 516 in this state which creates at least 100 new jobs in this state  
 517 and is otherwise eligible for certification by the office as a  
 518 qualified target industry business pursuant to s. 288.106 in one  
 519 of the high-impact sectors identified by Enterprise Florida,  
 520 Inc., and certified by the office pursuant to s. 288.108(6),  
 521 including, but not limited to, aviation, aerospace, automotive,  
 522 and silicon technology industries.

523 Section 5. Section 288.9515, Florida Statutes, is amended  
 524 to read:

525 288.9515 Authorized technology development programs.--

526 (1) Enterprise Florida, Inc., may create technology  
 527 development and applications services, and may serve as an  
 528 umbrella organization for the coordination of information that  
 529 provides technology applications service providers throughout  
 530 the state which provide critical, managerial, technological,



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531 scientific, and related financial and business expertise  
532 essential for international and domestic competitiveness to  
533 small-sized and medium-sized manufacturing and knowledge-based  
534 service firms. Enterprise Florida, Inc., is authorized the  
535 following powers in order to carry out these functions:

536 (a) Providing communication and coordination services  
537 among technology development and applications service providers  
538 throughout the state.

539 ~~(b) Providing coordinated marketing services to small-~~  
540 ~~sized and medium-sized manufacturers in the state on behalf of,~~  
541 ~~and in partnership with, technology applications service~~  
542 ~~providers.~~

543 (b)(e) Securing additional sources of funds on behalf of,  
544 and in partnership with, technology-based businesses ~~technology~~  
545 ~~applications service providers.~~

546 (c)(d) Developing plans and policies to assist small-sized  
547 and medium-sized manufacturing companies or other knowledge-  
548 based firms in Florida.

549 ~~(e) Entering into contracts with technology applications~~  
550 ~~service providers for expanded availability of high-quality~~  
551 ~~assistance to small-sized and medium-sized manufacturing~~  
552 ~~companies or knowledge-based service firms, including, but not~~  
553 ~~limited to, technological, human resources development, market~~  
554 ~~planning, finance, and interfirm collaboration. Enterprise~~  
555 ~~Florida, Inc., shall ensure that all contracts in excess of~~  
556 ~~\$20,000 for the delivery of such assistance to Florida firms~~  
557 ~~shall be based on competitive requests for proposals and shall~~  
558 ~~establish clear standards for the delivery of services under~~  
559 ~~such contracts. Such standards include, but are not limited to:~~



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- 560 ~~1. The ability and capacity to deliver services in~~  
561 ~~sufficient quality and quantity.~~
- 562 ~~2. The ability and capacity to deliver services in a~~  
563 ~~timely manner.~~
- 564 ~~3. The ability and capacity to meet the needs of firms in~~  
565 ~~the proposed market area.~~

566 ~~(d)(f)~~ Assisting other educational institutions,  
567 enterprises, or the entities providing business assistance to  
568 small-sized and medium-sized manufacturing and knowledge-based  
569 services enterprises.

570 ~~(g)~~ ~~Establishing a system to evaluate the effectiveness~~  
571 ~~and efficiency of technology applications services provided to~~  
572 ~~small-sized and medium-sized enterprises.~~

573 ~~(e)(h)~~ Establishing ~~special education and~~ informational  
574 programs for Florida enterprises and for educational  
575 institutions and enterprises providing business assistance to  
576 Florida enterprises.

577 ~~(f)(i)~~ Assisting in evaluating and documenting the needs  
578 of firms in this state for technology development and  
579 application services, and developing means to ensure that these  
580 needs are met, consistent with the powers provided for in this  
581 subsection.

582 ~~(g)(j)~~ Maintaining an office in such place or places as  
583 the board of directors of Enterprise Florida, Inc., approves.

584 ~~(h)(k)~~ Making and executing contracts with any person,  
585 enterprise, educational institution, association, or any other  
586 entity necessary or convenient for the performance of its duties  
587 and the exercise of the powers and functions of Enterprise  
588 Florida, Inc., under this subsection.



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589        (i)~~(1)~~ Receiving funds from any source to carry out the  
590 purposes of providing technology development and applications  
591 services, including, but not limited to, gifts or grants from  
592 any department, agency, or instrumentality of the United States  
593 or of the state, or any enterprise or person, for any purpose  
594 consistent with the provisions of this subsection.

595        ~~(2) When choosing contractors under this section,~~  
596 ~~preference shall be given to existing institutions,~~  
597 ~~organizations, and enterprises so long as these existing~~  
598 ~~institutions, organizations, and enterprises demonstrate the~~  
599 ~~ability to perform at standards established by Enterprise~~  
600 ~~Florida, Inc., under paragraph (1)(e).~~ Neither the provisions of  
601 ss. 288.9511-288.9517 nor the actions taken by Enterprise  
602 Florida, Inc., under this section shall impair or hinder the  
603 operations, performance, or resources of any existing  
604 institution, organization, or enterprise.

605        (3) Enterprise Florida, Inc., may create a technology  
606 development financing fund, to be called the Florida Technology  
607 Research Investment Fund. The fund shall increase technology  
608 development in this state by investing in technology development  
609 projects that have the potential to generate investment-grade  
610 technologies of importance to the state's economy as evidenced  
611 by the willingness of private businesses to coinvest in such  
612 projects. Enterprise Florida, Inc., may also demonstrate and  
613 develop effective approaches to, and benefits of, commercially  
614 oriented research collaborations between businesses,  
615 universities, and state and federal agencies and organizations.  
616 Enterprise Florida, Inc., shall endeavor to maintain the fund as  
617 a self-supporting fund once the fund is sufficiently capitalized  
618 pursuant to Enterprise Florida, Inc., program guidelines as



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619 ~~reflected in the minimum funding report required in s. 288.9516.~~

620 The technology research investment projects may include, but are  
621 not limited to:

622 (a) Technology development projects expected to lead to a  
623 specific investment-grade technology that is of importance to  
624 industry in this state.

625 (b) Technology development centers and facilities expected  
626 to generate a stream of products and processes with commercial  
627 application of importance to industry in this state.

628 (c) Technology development projects that have, or are  
629 currently using, other federal or state funds such as federal  
630 Small Business Innovation Research awards.

631 (4) Enterprise Florida, Inc., shall invest moneys  
632 contained in the Florida Technology Research Investment Fund in  
633 technology application research or for technology development  
634 projects that have the potential for commercial market  
635 application. ~~The partnership shall coordinate any investment in  
636 any space-related technology projects with the Florida Space  
637 Authority and the Technological Research and Development  
638 Authority.~~

639 (a) The investment of moneys contained in the Florida  
640 Technology Research Investment Fund is limited to qualified  
641 ~~investments in qualified securities~~ in which a private  
642 enterprise in this state coinvests at least 40 percent of the  
643 total project costs, in conjunction with other cash or noncash  
644 investments from state educational institutions, state and  
645 federal agencies, or other institutions.

646 (b) All moneys in the small business technology growth  
647 account, established as provided in s. 288.95155 for purposes of  
648 the Florida Small Business Technology Growth Program, shall be



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649 continuously appropriated to the account and may be used for  
650 loan guarantees, letter of credit guarantees, cash reserves for  
651 loan and letter of credit guarantees, payments of claims  
652 pursuant to contracts for guarantees, subordinated loans, loans  
653 with warrants, royalty investments, equity investments, For the  
654 purposes of this fund, qualified securities include loans, loans  
655 convertible to equity, equity, loans with warrants attached that  
656 are beneficially owned by the board, royalty agreements, or any  
657 other contractual arrangements through which the Florida  
658 Technology Research Investment Fund receives an interest,  
659 rights, return of funds, or other consideration, and operations  
660 of the Florida Small Business Technology Growth Program. All  
661 such uses of funds are qualified investments in which the board  
662 is providing scientific and technological services to any  
663 federal, state, county, or municipal agency, or to any  
664 individual, corporation, enterprise, association, or any other  
665 entity involving technology development. Any claim against the  
666 program shall be paid solely from the fund. Neither the credit  
667 nor the taxing power of the state shall be pledged to secure the  
668 fund or moneys in the fund, other than from moneys appropriated  
669 or assigned to the fund, and the state shall not be liable or  
670 obligated in any way for any claims against the fund or against  
671 Enterprise Florida, Inc.

672 (c) Not more than \$175,000 or 5 percent of the revenues  
673 generated by investment of moneys contained in the Florida  
674 Technology Research Investment Fund plus 5 percent of the  
675 revenues generated by investments under The Florida Small  
676 Business Technology Growth Program, whichever is greater, may be  
677 used on an annual basis to pay operating expenses associated



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678 with operation of the Florida Technology Research Investment  
679 Fund and the Florida Small Business Technology Growth Program.

680 (d) In the event of liquidation or dissolution of  
681 Enterprise Florida, Inc., or the Florida Technology Research  
682 Investment Fund, any rights or interests in a qualified security  
683 or portion of a qualified security purchased with moneys  
684 invested by the State of Florida shall vest in the state, under  
685 the control of the State Board of Administration. The state is  
686 entitled to, in proportion to the amount of investment in the  
687 fund by the state, any balance of funds remaining in the Florida  
688 Technology Research Investment Fund after payment of all debts  
689 and obligations upon liquidation or dissolution of Enterprise  
690 Florida, Inc., or the fund.

691 (e) The investment of funds contained in the Florida  
692 Technology Research Investment Fund does not constitute a debt,  
693 liability, or obligation of the State of Florida or of any  
694 political subdivision thereof, or a pledge of the faith and  
695 credit of the state or of any such political subdivision.

696 (5) Enterprise Florida, Inc., may create technology  
697 commercialization programs in partnership with private  
698 enterprises, educational institutions, and other institutions to  
699 increase the rate at which technologies with potential  
700 commercial application are moved from university, public, and  
701 industry laboratories into the marketplace. Such programs shall  
702 be created based upon research to be conducted by Enterprise  
703 Florida, Inc.

704 Section 6. Section 288.9517, Florida Statutes, is  
705 repealed.

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