

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1437 w/CS Enterprise Zones  
**SPONSOR(S):** Bullard  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1432

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Workforce and Economic Development (Sub)</u>	<u>5 Y, 0 N</u>	<u>Winker</u>	<u>Billmeier</u>
2) <u>Commerce</u>	<u>19 Y, 0 N w/CS</u>	<u>Winker</u>	<u>Billmeier</u>
3) <u>Finance and Tax</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill authorizes any county to apply before November 30, 2004, to the Office of Tourism, Trade, and Economic Development (OTTED) to change the boundaries of an existing enterprise zone and replace an area of no more than 75 acres within the zone with an area of equal size outside the zone. The bill requires the replacement zone to be contiguous to the existing zone and to a zoo. These provisions of the bill would currently apply only to Miami-Dade County.

The bill authorizes the City of South Daytona to apply to OTTED for the designation of an enterprise zone within the city. The bill authorizes an inland county with a state designated enterprise zone and a population greater than 500,000 to apply to OTTED to amend the boundaries of the zone. The new enterprise zone must be contiguous to the existing zone. This applies only to the City of Orlando.

The bill will have a negative fiscal impact of \$200,000 for the newly created enterprise zone in the City of South Daytona and an insignificant fiscal impact for sections of the bill providing for revisions of current enterprise zones.

The bill takes effect July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1437b.com.doc  
**DATE:** March 11, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

The bill authorizes any county to apply before November 30, 2004, to the Office of Tourism, Trade, and Economic Development (OTTED) to change the boundaries of an existing enterprise zone and replace an area of no more than 75 acres within the zone with an area of equal size outside the zone. The bill requires the replacement zone to be contiguous to the existing zone and to a zoo. These provisions of the bill would currently apply only to Miami-Dade County.

The bill authorizes the City of South Daytona to apply to OTTED for the designation of an enterprise zone within the city. The bill authorizes an inland county with a state designated enterprise zone and a population greater than 500,000 to apply to OTTED to amend the boundaries of the zone. The new enterprise zone must be contiguous to the existing zone. This applies only to the City of Orlando.

The bill will have an indeterminate negative fiscal impact since the changes to the boundaries will need to be presented to OTTED in the county's application for revising the boundaries of the current enterprise zone.

The bill takes effect July 1, 2004.

#### **Florida Enterprise Zone Program**

In 1980, Florida established one of the first enterprise zone programs in the country to encourage economic growth and investment in distressed areas. An enterprise zone is a specific geographic area targeted for economic revitalization.

The purpose of enterprise zones is to assist local communities, their residents, and the private sector in creating the environment to induce the investment of private resources in business enterprises located in severely distressed areas and to provide jobs for residents in the area.

Under the Enterprise Zone Act of 1994 [ss.290.001-290.016, F.S.], areas of the state meeting specified criteria have been designated as enterprise zones.

According to the Office of Tourism, Trade, and Economic Development, since July 1, 1995, the state has designated 47 enterprise zones. State and local incentives are authorized to induce businesses to invest in enterprise zone which, in turn, offers a number of tax advantages to such businesses willing to make such an investment. Based on data from the Office of Tourism, Trade, and Economic Development, there are currently 26 rural enterprise zones statewide encompassing 1,208 square miles and 111,574 residents.

## **State and Local Incentives Available to Businesses in Enterprise Zones**

Below are incentives provided to encourage the revitalization of enterprise zones:

- Enterprise zone jobs credit provided in s. 220.181, F.S.
- Enterprise zone property tax credit provided in s. 220.182, F.S.
- Sales tax exemption for building materials used in the rehabilitation of real property in enterprise zones provided in s. 212.08(5)(g), F.S.
- Sales tax exemption for business property used in an enterprise zone provided in 212.08(5)(h), F.S.
- Sales tax exemption for electrical energy used in an enterprise zone provided in s. 212.08(15), F.S.
- Enterprise zone jobs credit against the sales tax provided in s. 212.096, F.S.
- Occupational license tax exemption in s. 205.054, F.S.
- Economic development ad valorem tax exemption in s. 196.1995, F.S.

### *Enterprise Zone Jobs Credit – Corporate Income Tax*

Businesses located in an enterprise zone that pay Florida corporate income taxes are authorized to receive a tax credit against their corporate income tax based on the amount of wages paid to new employees who are either residents of an enterprise zone or participants in a welfare transition program. [Section 220.181, F.S.]

### *Enterprise Zone Property Tax Credit - Corporate Income Tax*

New, expanded, or rebuilt businesses located within an enterprise zone are allowed a credit on their Florida corporate income tax based on the amount of property taxes paid. [Section 220.181, F.S.]

### *Exemption for Building Materials Used in an Enterprise Zone – Sales Tax*

A refund is available for sales taxes paid on the purchase of building materials used in the rehabilitation of real property used in an enterprise zone. The amount of the refund is the lesser of 97 percent of the sales taxes paid or \$5,000, or, if 20 percent or more of the business's employees reside in an enterprise zone, the lesser of 97 percent of the sales taxes paid or \$10,000. [Section 212.08(5)(g), F.S.]

### *Exemption for Business Property Used in an Enterprise Zone – Sales Tax*

A refund is available for sales taxes paid on the purchase of business property with a purchase price of \$5,000 or more purchased by and for use in a business located in an enterprise zone. The amount of the refund is the lesser of 97 percent of the sales taxes paid or \$5,000, or, if 20 percent or more of the business's employees reside in an enterprise zone, the lesser of 97 percent of the sales taxes paid or \$10,000. [Section 212.08(5)(h), F.S.]

### *Exemption for Electrical Energy Used in an Enterprise Zone – Sales Tax*

A sales tax exemption is available to qualified businesses located in an enterprise zone on the purchase of electrical energy. The amount of the exemption is equal to 50 percent of the sales taxes otherwise due or 100 percent of the sales taxes otherwise due if 20 percent or more of the business's employees reside in an enterprise zone. This exemption is only available if the municipality in which the business is located has passed an ordinance to exempt the municipal utility taxes on such business. [Sections 212.08(15) and 166.231(8), F.S.]

### *Enterprise Zone Jobs Credit – Sales Tax*

Businesses located within an enterprise zone that collect and pay Florida sales and use tax are allowed a credit against their sales tax due based on the amount of wages paid to new employees who are either residents of an enterprise zone or participants in a welfare transition program. [Section 212.096, F.S.]

### *Occupational License Tax Exemption*

By ordinance, the governing body of a municipality may exempt 50 percent of the occupational license tax for businesses located in an enterprise zone. [Section 205.054, F.S.]

### *Economic Development Ad Valorem Tax Exemption*

Up to 100 percent of the assessed value of improvements to real or tangible property of a new or expanded business located in an enterprise zone may be exempted from property taxes if the voters of a municipality authorize the governing body of the municipality to grant such exemptions. [Section 196.1995, F.S.]

## **Enterprise Zone Designation Process and Criteria**

Section 290.0055, F.S., prescribes the local procedures for the nomination of an enterprise zone. Governing bodies or body of a county and/or a municipality must adopt a resolution which:

1. Finds that an area exists in such a county or municipality, or in both the county and one or more municipalities, which chronically exhibit extreme and unacceptable levels of poverty, unemployment, and economic disinvestment;
2. Determines that the rehabilitation, conservation, or redevelopment of the area is necessary in the interest of the public health, safety, and welfare of the residents of the county or municipality, or the county and one or more municipalities; and
3. Determines that the revitalization of the area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

The governing body or bodies of a nominated area must also create an enterprise zone development agency and create and adopt an enterprise zone strategic plan prior to the submission of an application to the Office of Tourism, Trade, and Economic Development.

The enterprise zone development agency created is responsible for assisting with the development and implementation of the enterprise zone strategic plan. The enterprise zone strategic plan is the community's plan for revitalizing the nominated area and contains commitments to enact and maintain local fiscal and regulatory incentives if the nominated area receives an enterprise zone designation.

Section 290.00675, F.S., authorizes the Office of Tourism, Trade, and Economic Development to amend the boundaries of an area designated as an enterprise zone in a community having a population of at least 235,000 persons but no less than 245,000 persons as long as the area so designated does not increase the overall size of the enterprise zone by greater than 25 acres and the increased area is contiguous to the existing enterprise zone.

The Office of Tourism, Trade, and Economic Development may designate the nominated area as an enterprise zone if the selected area suffers from pervasive poverty, unemployment, and general distress. To determine whether an area suffers from pervasive poverty, census data must show that the poverty rate for each census block within the nominated area is at least 20 percent. The poverty

rate must also exceed 30 percent in at least 50 percent of the census geographic block groups within the nominated area.

If a census block group within a nominated area has no population, it is considered to have a 20-percent poverty rate. Unemployment is evidenced by data indicating that the unemployment rate is equal to or greater than the state's unemployment rate or by evidence indicating severe economic conditions for the area. General distress is evidenced by such factors as a high crime rate, abandoned structures, and deteriorated infrastructure or substantial population decline.

### Enterprise Zones and Sales Tax Exemption

An incentive [see above for all incentives] for all designated enterprise zones is a sales tax for building equipment used in an enterprise zone. Currently, businesses located within any enterprise zone are eligible for a sales tax refund if the unit value of the equipment is \$5,000 or more [section 212.08(5)(h)].

According to Enterprise Florida, Inc., small businesses make up the majority of businesses located in all enterprise zones. The sales tax refund as currently structured cannot be assessed by the majority of businesses considering locating to or expanding in an enterprise zone.

### Enterprise Zone Program Costs

Based on data from the Office of Tourism, Trade, and Economic Development, the impact of the Enterprise Zone Program is summarized in the table below.

YEAR	NEW OR RELOCATED BUSINESSES	JOBS CREATED	NUMBER OF ZONES	STATE INCENTIVES	LOCAL INCENTIVES
2001-2002	1,244	5,630	47	\$6,739,551	\$ 5,847,694
2000-2001	654	6,394	34	\$4,746,396	\$16,202,894
1999-2000	766	5,141	34	\$5,458,835	\$10,135,657
1998-1999	776	5,305	32	\$5,170,899	\$18,839,076
1997-1998	151	3,572	31	\$4,495,218	\$ 8,853,197
1996-1997	434	4,573		\$4,449,941	\$ 6,803,474
1996-1996	128	2,188		\$ 817,422	\$ 4,252,766

Source: Compilation of data from the Office of Tourism, Trade, and Economic Development, *Florida Enterprise Zone Program Annual Report October 1, 2001 - September 30, 2002*, pp. 5 and 6, March 1, 2003.

The Florida Enterprise Zone Act of 1994 is scheduled for repeal on December 31, 2005, as provided by s. 37, ch. 94-136, L.O.F.

C. SECTION DIRECTORY:

Section 1: Adds subsection (12) to s. 290.0065, F.S.; authorizing any county to apply before November 30, 2004, to the Office of Tourism, Trade, and Economic Development to change the boundaries of an existing enterprise zone and replace an area of no more than 75 acres within the zone with an area of equal size outside the zone; and requiring the replacement zone to be contiguous to the existing zone and to a zoo.

Section 2: The bill takes effect July 1, 2004.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill could have a positive fiscal impact upon the local community depending upon revisions of the boundaries to the current enterprise zone and the locating of businesses and the creation of jobs within the zone.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Businesses locating within the enterprise zone's revised boundaries will benefit from tax credits and exemptions.

D. FISCAL COMMENTS:

The bill will have a negative fiscal impact of \$200,000 for the newly created enterprise zone in the City of South Daytona and an insignificant fiscal impact for sections of the bill providing for revisions of current enterprise zones. However, any negative fiscal impact could be offset by positive economic growth within the enterprise zone.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 10, 2004, the Workforce and Economic Development Subcommittee favorably adopted HB 1437 and also approved the recommendation of two amendments. Amendment #1 authorizes the City of South Daytona to apply to the Office of Tourism, Trade, and Economic Development (OTTED) for the designation of an enterprise zone within the city. Amendment #2 authorizes an inland county with a state designated enterprise zone and a population greater than 500,000 to apply to OTTED to amend the boundaries of the zone. The new enterprise zone must be contiguous to the existing zone. This amendment applies only to the City of Orlando.

On March 17, 2004, the Commerce Committee favorably adopted HB 1437 as a committee substitute and adopted the two amendments approved for recommendation by the Workforce and Economic Development Subcommittee.