

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to economic stimulus; amending s. 212.08,
7 F.S.; revising sales price criteria for characterizing
8 business property; conforming provisions to the designated
9 urban job tax credit revision; amending s. 212.097, F.S.;
10 revising provisions providing for an urban job tax credit
11 program to apply to designated urban job tax credit areas
12 rather than high crime areas; revising and providing
13 definitions, eligibility criteria, application procedures
14 and requirements, and area characteristics and criteria;
15 authorizing transfer of unused credits under the Rural Job
16 Tax Credit Program; specifying use of transferred credits;
17 prohibiting transfer of transferred credits; amending s.
18 212.098, F.S.; authorizing transfer of unused credits
19 under the Rural Job Tax Credit Program; specifying use of
20 transferred credits; prohibiting transfer of transferred
21 credits; amending s. 220.1895, F.S.; conforming provisions
22 to amendments to urban job tax credit areas program
23 provisions; removing a historical reference; amending s.

24 | 288.095, F.S.; deleting a report requirement relating to
 25 | the Economic Development Incentives Account; amending s.
 26 | 288.1045, F.S.; extending an expiration date for the tax
 27 | refund program for qualified defense contractors;
 28 | preserving the effect of certain tax refund agreements
 29 | after the expiration date; amending s. 288.106, F.S.;
 30 | extending an expiration date for the tax refund program
 31 | for qualified target industry businesses; preserving the
 32 | effect of certain tax refund agreements after the
 33 | expiration date; amending s. 288.901, F.S.; revising
 34 | operational criteria of members of the board of directors
 35 | of Enterprise Florida, Inc.; amending s. 288.90151, F.S.;
 36 | revising requirements, criteria, and limitations for
 37 | returns on investment from activities of Enterprise
 38 | Florida, Inc.; amending s. 288.903, F.S.; deleting an
 39 | employment compensation limitation for employees of
 40 | Enterprise Florida, Inc.; amending s. 288.904, F.S.;
 41 | revising limitations on contractual powers of the board of
 42 | directors of Enterprise Florida, Inc.; amending s.
 43 | 288.905, F.S.; revising a pay raise or bonus limitation
 44 | for certain employees; amending s. 288.9515, F.S.;
 45 | revising and clarifying powers of Enterprise Florida,
 46 | Inc., to develop authorized technology development
 47 | programs; specifying uses of moneys in the Florida
 48 | Technology Research Investment Fund; providing for payment
 49 | of certain claims from the fund; revising limitations on
 50 | revenues from certain investments used for operating
 51 | expenses associated with the Florida Technology Research

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52 Investment Fund and the Florida Small Business Technology
 53 Growth Program; requiring Enterprise Florida, Inc., to
 54 coordinate with certain organizations to develop a
 55 statewide entrepreneurial growth stimulation strategy;
 56 providing criteria; amending s. 288.99, F.S.; conforming
 57 provisions to the designated urban job tax credit
 58 revision; repealing s. 288.041(3) and (4), F.S., relating
 59 to Enterprise Florida, Inc., and the Department of
 60 Commerce assisting in expanding the solar energy industry
 61 in this state; repealing s. 288.8155, F.S., relating to
 62 the International Trade Data Resource and Research Center;
 63 repealing s. 288.9015(3), F.S., relating to Enterprise
 64 Florida, Inc., responsibility to develop a comprehensive
 65 approach to workforce development; repealing s. 288.9517,
 66 F.S., relating to audits of the technology development
 67 board and programs or entities created by the board;
 68 repealing s. 14, ch. 93-187, Laws of Florida, relating to
 69 the December 31, 2003, repeal of Enterprise Florida
 70 Innovation Partnership provisions; providing effective
 71 dates.

72
 73 Be It Enacted by the Legislature of the State of Florida:
 74

75 Section 1. Paragraphs (h) and (o) of subsection (5) of
 76 section 212.08, Florida Statutes, are amended to read:
 77 212.08 Sales, rental, use, consumption, distribution, and
 78 storage tax; specified exemptions.--The sale at retail, the
 79 rental, the use, the consumption, the distribution, and the

80 storage to be used or consumed in this state of the following
 81 are hereby specifically exempt from the tax imposed by this
 82 chapter.

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

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

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

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

97 a. The name and address of the business claiming the
 98 refund.

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

101 c. A specific description of the property for which a
 102 refund is sought, including its serial number or other permanent
 103 identification number.

104 d. The location of the property.

105 e. The sales invoice or other proof of purchase of the
 106 property, showing the amount of sales tax paid, the date of

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107 purchase, and the name and address of the sales tax dealer from
108 whom the property was purchased.

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

111 g. If applicable, the name and address of each permanent
112 employee of the business, including, for each employee who is a
113 resident of an enterprise zone, the identifying number assigned
114 pursuant to s. 290.0065 to the enterprise zone in which the
115 employee resides.

116 3. Within 10 working days after receipt of an application,
117 the governing body or enterprise zone development agency shall
118 review the application to determine if it contains all the
119 information required pursuant to subparagraph 2. and meets the
120 criteria set out in this paragraph. The governing body or agency
121 shall certify all applications that contain the information
122 required pursuant to subparagraph 2. and meet the criteria set
123 out in this paragraph as eligible to receive a refund. If
124 applicable, the governing body or agency shall also certify if
125 20 percent of the employees of the business are residents of an
126 enterprise zone, excluding temporary and part-time employees.
127 The certification shall be in writing, and a copy of the
128 certification shall be transmitted to the executive director of
129 the Department of Revenue. The business shall be responsible for
130 forwarding a certified application to the department within the
131 time specified in subparagraph 4.

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

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

150 6. The department shall adopt rules governing the manner
151 and form of refund applications and may establish guidelines as
152 to the requisites for an affirmative showing of qualification
153 for exemption under this paragraph.

154 7. If the department determines that the business property
155 is used outside an enterprise zone within 3 years from the date
156 of purchase, the amount of taxes refunded to the business
157 purchasing such business property shall immediately be due and
158 payable to the department by the business, together with the
159 appropriate interest and penalty, computed from the date of
160 purchase, in the manner provided by this chapter.
161 Notwithstanding this subparagraph, business property used
162 exclusively in:

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- 163 a. Licensed commercial fishing vessels,
- 164 b. Fishing guide boats, or
- 165 c. Ecotourism guide boats

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

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

180 9. For the purposes of this exemption, "business property"
181 means new or used property defined as "recovery property" in s.
182 168(c) of the Internal Revenue Code of 1954, as amended, except:

183 a. Property classified as 3-year property under s.
184 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended. +

185 b. Industrial machinery and equipment as defined in sub-
186 subparagraph (b)6.a. and eligible for exemption under paragraph
187 (b) +

188 c. Building materials as defined in sub-subparagraph
189 (g)8.a. ~~+~~ ~~and~~

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190 d. Business property having a sales price of under \$500
191 ~~\$5,000~~ per unit.

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

194 (o) *Building materials in redevelopment projects.*--

195 1. As used in this paragraph, the term:

196 a. "Building materials" means tangible personal property
197 that becomes a component part of a housing project or a mixed-
198 use project.

199 b. "Housing project" means the conversion of an existing
200 manufacturing or industrial building to housing units in a
201 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise
202 zone, empowerment zone, Front Porch Community, designated
203 brownfield area, or urban infill area and in which the developer
204 agrees to set aside at least 20 percent of the housing units in
205 the project for low-income and moderate-income persons or the
206 construction in a designated brownfield area of affordable
207 housing for persons described in s. 420.0004(9), (10), or (14),
208 or in s. 159.603(7).

209 c. "Mixed-use project" means the conversion of an existing
210 manufacturing or industrial building to mixed-use units that
211 include artists' studios, art and entertainment services, or
212 other compatible uses. A mixed-use project must be located in
213 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise
214 zone, empowerment zone, Front Porch Community, designated
215 brownfield area, or urban infill area, and the developer must
216 agree to set aside at least 20 percent of the square footage of
217 the project for low-income and moderate-income housing.

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218 d. "Substantially completed" has the same meaning as
219 provided in s. 192.042(1).

220 2. Building materials used in the construction of a
221 housing project or mixed-use project are exempt from the tax
222 imposed by this chapter upon an affirmative showing to the
223 satisfaction of the department that the requirements of this
224 paragraph have been met. This exemption inures to the owner
225 through a refund of previously paid taxes. To receive this
226 refund, the owner must file an application under oath with the
227 department which includes:

228 a. The name and address of the owner.

229 b. The address and assessment roll parcel number of the
230 project for which a refund is sought.

231 c. A copy of the building permit issued for the project.

232 d. A certification by the local building code inspector
233 that the project is substantially completed.

234 e. A sworn statement, under penalty of perjury, from the
235 general contractor licensed in this state with whom the owner
236 contracted to construct the project, which statement lists the
237 building materials used in the construction of the project and
238 the actual cost thereof, and the amount of sales tax paid on
239 these materials. If a general contractor was not used, the owner
240 shall provide this information in a sworn statement, under
241 penalty of perjury. Copies of invoices evidencing payment of
242 sales tax must be attached to the sworn statement.

243 3. An application for a refund under this paragraph must
244 be submitted to the department within 6 months after the date
245 the project is deemed to be substantially completed by the local

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246 building code inspector. Within 30 working days after receipt of
 247 the application, the department shall determine if it meets the
 248 requirements of this paragraph. A refund approved pursuant to
 249 this paragraph shall be made within 30 days after formal
 250 approval of the application by the department. The provisions of
 251 s. 212.095 do not apply to any refund application made under
 252 this paragraph.

253 4. The department shall establish by rule an application
 254 form and criteria for establishing eligibility for exemption
 255 under this paragraph.

256 5. The exemption shall apply to purchases of materials on
 257 or after July 1, 2000.

258 Section 2. Section 212.097, Florida Statutes, is amended
 259 to read:

260 212.097 Designated Urban ~~High-Crime Area~~ Job Tax Credit
 261 Area Program.--

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

263 (a) "Eligible business" means any sole proprietorship,
 264 firm, partnership, or corporation that is located in a
 265 designated urban job tax credit area ~~qualified county~~ and is
 266 predominantly engaged in, or is headquarters for a business
 267 predominantly engaged in, activities usually provided for
 268 consideration by firms classified within the following standard
 269 industrial classifications: SIC 01-SIC 09 (agriculture,
 270 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
 271 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
 272 storage); SIC 70 (hotels and other lodging places); SIC 7391
 273 (research and development); SIC 781 (motion picture production

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274 and allied services); SIC 7992 (public golf courses); ~~and~~ SIC
 275 7996 (amusement parks); and a targeted industry eligible for the
 276 qualified target industry business tax refund under s. 288.106.

277 A call center or similar customer service operation that
 278 services a multistate market or international market is also an
 279 eligible business. In addition, the Office of Tourism, Trade,
 280 and Economic Development may, as part of its final budget
 281 request submitted pursuant to s. 216.023, recommend additions to
 282 or deletions from the list of standard industrial
 283 classifications used to determine an eligible business, and the
 284 Legislature may implement such recommendations. Excluded from
 285 eligible receipts are receipts from retail sales, except such
 286 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other
 287 lodging places classified in SIC 70, public golf courses in SIC
 288 7992, and amusement parks in SIC 7996. For purposes of this
 289 paragraph, the term "predominantly" means that more than 50
 290 percent of the business's gross receipts from all sources is
 291 generated by those activities usually provided for consideration
 292 by firms in the specified standard industrial classification.
 293 The determination of whether the business is located in a
 294 designated urban job tax credit ~~qualified high-crime area and~~
 295 ~~the tier ranking of that area~~ must be based on the date of
 296 application for the credit under this section. Commonly owned
 297 and controlled entities are to be considered a single business
 298 entity.

299 (b) "Qualified employee" means any employee of an eligible
 300 business who performs duties in connection with the operations
 301 of the business on a regular, full-time basis for an average of

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302 at least 36 hours per week for at least 3 months within the
 303 designated urban job tax credit ~~qualified high-crime~~ area in
 304 which the eligible business is located. An owner or partner of
 305 the eligible business is not a qualified employee. The term also
 306 includes an employee leased from an employee leasing company
 307 licensed under chapter 468, if such employee has been
 308 continuously leased to the employer for an average of at least
 309 36 hours per week for more than 6 months.

310 (c) "New business" means any eligible business first
 311 beginning operation on a site in a designated urban job tax
 312 credit ~~qualified high-crime~~ area and clearly separate from any
 313 other commercial or business operation of the business entity
 314 within a designated urban job tax credit ~~qualified high-crime~~
 315 area. A business entity that operated an eligible business
 316 within a designated urban job tax credit ~~qualified high-crime~~
 317 area within the 48 months before the period provided for
 318 application by subsection (2) is not considered a new business.

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

321 (e) "Designated urban job tax credit ~~Qualified high-crime~~
 322 area" means an area selected by the Office of Tourism, Trade,
 323 and Economic Development in the following manner: every third
 324 year, the office shall rank and tier those areas nominated under
 325 subsection (7), according to the highest level of distress
 326 experienced in the categories enumerated under subsection (7).
 327 The Office of Tourism, Trade, and Economic Development shall
 328 designate the 30 highest-distress-profile urban areas as

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329 eligible participants under the urban job tax credit program.
 330 ~~following prioritized criteria:~~

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

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

337 ~~3. Highest percentage of reported index crimes that are~~
 338 ~~violent in nature;~~

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

340 ~~5. Highest overall index crime rate for the geographic~~
 341 ~~area.~~

342
 343 ~~Tier one areas are ranked 1 through 5 and represent the highest~~
 344 ~~crime areas according to this ranking. Tier two areas are ranked~~
 345 ~~6 through 10 according to this ranking. Tier three areas are~~
 346 ~~ranked 11 through 15. Notwithstanding this definition,~~
 347 "designated urban job tax credit qualified high-crime area" also
 348 means an area that has been designated as a federal Empowerment
 349 Zone pursuant to the Taxpayer Relief Act of 1997 or the
 350 Community Tax Relief Act of 2000. ~~Such a designated area is~~
 351 ~~ranked in tier three until the areas are reevaluated by the~~
 352 ~~Office of Tourism, Trade, and Economic Development.~~

353 (f) "Central business district" means an area comprised of
 354 at least 80 percent commercial and government buildings and
 355 properties; characterized by a high concentration of retail
 356 businesses, service businesses, offices, theaters, and hotels;

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357 and located in a Department of Transportation urban service
358 area.

359 (g) "Urban" means a densely populated nonrural area
360 located within an urban county which consists of a cluster of
361 one or more census blocks, each of which has a population
362 density of at least 400 people per square mile, or an area
363 defined by the most recent United States Census as urban.

364 (2) A new eligible business may apply for a tax credit
365 under this subsection once at any time during its first year of
366 operation. A new eligible business in a designated urban job tax
367 credit tier-one qualified high-crime area which has at least 10
368 qualified employees on the date of application shall receive a
369 ~~\$1,500 tax credit for each such employee.~~ A new eligible
370 ~~business in a tier-two qualified high-crime area which has at~~
371 ~~least 20 qualified employees on the date of application shall~~
372 ~~receive a \$1,000 tax credit for each such employee.~~ A new
373 ~~eligible business in a tier-three qualified high-crime area~~
374 ~~which has at least 30 qualified employees on the date of~~
375 ~~application shall receive a \$500 tax credit for each such~~
376 ~~employee.~~

377 (3) An existing eligible business may apply for a tax
378 credit under this subsection at any time it is entitled to such
379 credit, except as restricted by this subsection. An existing
380 eligible business in a designated urban job tax credit tier-one
381 qualified high-crime area which on the date of application has
382 at least 5 more qualified employees than it had 1 year prior to
383 its date of application shall receive a ~~\$1,500 tax credit for~~
384 ~~each such additional employee.~~ An existing eligible business in

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385 ~~a tier two qualified high crime area which on the date of~~
386 ~~application has at least 10 more qualified employees than it had~~
387 ~~1 year prior to its date of application shall receive a \$1,000~~
388 ~~credit for each such additional employee. An existing business~~
389 ~~in a tier three qualified high crime area which on the date of~~
390 ~~application has at least 15 more qualified employees than it had~~
391 ~~1 year prior to its date of application shall receive a \$500 tax~~
392 ~~credit for each such additional employee. An existing eligible~~
393 ~~business may apply for the credit under this subsection no more~~
394 ~~than once in any 12-month period. Any existing eligible business~~
395 ~~that received a credit under subsection (2) may not apply for~~
396 ~~the credit under this subsection sooner than 12 months after the~~
397 ~~application date for the credit under subsection (2).~~

398 (4) For any new eligible business receiving a credit
399 pursuant to subsection (2), an additional \$500 credit shall be
400 provided for any qualified employee who is a welfare transition
401 program participant. For any existing eligible business
402 receiving a credit pursuant to subsection (3), an additional
403 \$500 credit shall be provided for any qualified employee who is
404 a welfare transition program participant. Such employee must be
405 employed on the application date and have been employed less
406 than 1 year. This credit shall be in addition to other credits
407 pursuant to this section ~~regardless of the tier level of the~~
408 ~~high crime area~~. Appropriate documentation concerning the
409 eligibility of an employee for this credit must be submitted as
410 determined by the department.

411 (5) To be eligible for a tax credit under subsection (3),
412 the number of qualified employees employed 1 year prior to the

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413 application date must be no lower than the number of qualified
 414 employees on the application date on which a credit under this
 415 section was based for any previous application, including an
 416 application under subsection (2).

417 (6) Any county or municipality, or a county and one or
 418 more municipalities together, may apply to the Office of
 419 Tourism, Trade, and Economic Development for the designation of
 420 an area as a designated urban job tax credit ~~high-crime~~ area
 421 after the adoption by the governing body or bodies of a
 422 resolution that:

423 (a) Finds that an urban ~~a high-crime~~ area exists in such
 424 county or municipality, or in both the county and one or more
 425 municipalities, which chronically exhibits extreme and
 426 unacceptable levels of poverty, unemployment, physical
 427 deterioration, and economic disinvestment;

428 (b) Determines that the rehabilitation, conservation, or
 429 redevelopment, or a combination thereof, of such an urban a
 430 ~~high-crime~~ area is necessary in the interest of the health,
 431 safety, and welfare of the residents of such county or
 432 municipality, or such county and one or more municipalities; and

433 (c) Determines that the revitalization of such an urban a
 434 ~~high-crime~~ area can occur if the public sector or private sector
 435 can be induced to invest its own resources in productive
 436 enterprises that build or rebuild the economic viability of the
 437 area.

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

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- 441 (a) Income characteristics:
- 442 1. Forty percent of area residents are earning wages on an
- 443 annual basis that are equal to or less than the annual wage of a
- 444 person who is earning minimum wage; or
- 445 2. More than 20 percent of residents or families live
- 446 below the federal standard of poverty for individuals or a
- 447 family of four. ~~The overall index crime rate for the geographic~~
- 448 area;
- 449 (b) Education characteristics:
- 450 1. Has a high school dropout rate higher than the county
- 451 average; or
- 452 2. Has a high school graduation rate lower than the state
- 453 average. ~~The overall index crime volume for the area;~~
- 454 (c) Workforce and employment characteristics:
- 455 1. Has an unemployment rate at least 3 percentage points
- 456 higher than the state's unemployment rate;
- 457 2. More than 50 percent of families subject to the
- 458 welfare-to-work transition time limit are either within 6 months
- 459 of the time limit or are receiving cash assistance under a
- 460 period of hardship extension to the time limit; or
- 461 3. Is identified as a labor surplus area using the
- 462 criteria established by the United States Department of Labor's
- 463 Employment and Training Administration. ~~The percentage of~~
- 464 reported index crimes that are violent in nature;
- 465 (d) Crime characteristics:
- 466 1. Has an arrest rate higher than the state's average rate
- 467 for such crimes as drug sale, drug possession, prostitution,

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468 vandalism, and civil disturbances, as recorded by total crime
 469 index of the Department of Law Enforcement; or

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

474 (e) Residential and commercial property related
 475 characteristics:

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

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

479 b. More than 5 percent of area homes, apartments, or
 480 buildings are abandoned, have been condemned within the previous
 481 24 months, or have a greater number of violations of the Florida
 482 Building Code than recorded in the remainder of the county or
 483 municipality; or

484 c. Tax or special assessment delinquencies exceed the fair
 485 value of the land ~~The arrest rates within the geographic area~~
 486 ~~for violent crime and for such other crimes as drug sale, drug~~
 487 ~~possession, prostitution, disorderly conduct, vandalism, and~~
 488 ~~other public order offenses.~~

489 (8) A municipality, or a county and one or more
 490 municipalities together, may not nominate more than one urban
 491 ~~high-crime~~ area. However, any county as defined by s. 125.011(1)
 492 may nominate no more than three urban ~~high-crime~~ areas.

493 (9)(a) An area nominated by a county or municipality, or a
 494 county and one or more municipalities together, for designation

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495 as a designated urban job tax credit ~~high-crime~~ area shall be
496 eligible only if it meets the following criteria:

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

500 2.(b) The selected area does not exceed the following
501 mileage limitation:

502 a.1. For areas ~~communities~~ having a total population of
503 150,000 persons or more, the selected area does not exceed 20
504 square miles and is within 10 miles of the central business
505 district of a city.

506 b.2. For areas ~~communities~~ having a total population of
507 50,000 persons or more, but fewer than 150,000 persons, the
508 selected area does not exceed 10 square miles and is within 7.5
509 miles of the central business district of a city.

510 c.3. For areas ~~communities~~ having a total population of
511 20,000 persons or more, but fewer than 50,000 persons, the
512 selected area does not exceed 5 square miles and is within 5
513 miles of the central business district of a city.

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

518 (b) A designated urban job tax credit area may not include
519 any portion of a central business district, unless the poverty
520 rate for each census geographic block group in the district is
521 not less than 30 percent.

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522 (10)(a) In order to claim this credit, an eligible
 523 business must file under oath with the Office of Tourism, Trade,
 524 and Economic Development a statement that includes the name and
 525 address of the eligible business and any other information that
 526 is required to process the application.

527 (b) Within 30 working days after receipt of an application
 528 for credit, the Office of Tourism, Trade, and Economic
 529 Development shall review the application to determine whether it
 530 contains all the information required by this subsection and
 531 meets the criteria set out in this section. Subject to the
 532 provisions of paragraph (c), the Office of Tourism, Trade, and
 533 Economic Development shall approve all applications that contain
 534 the information required by this subsection and meet the
 535 criteria set out in this section as eligible to receive a
 536 credit.

537 (c) The maximum credit amount that may be approved during
 538 any calendar year is \$5 million, ~~of which \$1 million shall be~~
 539 ~~exclusively reserved for tier one areas.~~ The Department of
 540 Revenue, in conjunction with the Office of Tourism, Trade, and
 541 Economic Development, shall notify the governing bodies in areas
 542 designated under this section ~~as urban high-crime areas~~ when the
 543 \$5 million maximum amount has been reached. Applications must be
 544 considered for approval in the order in which they are received
 545 without regard to whether the credit is for a new or existing
 546 business. This limitation applies to the value of the credit as
 547 contained in approved applications. Approved credits may be
 548 taken in the time and manner allowed pursuant to this section.

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

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

558 (13) It is the responsibility of each business to
559 affirmatively demonstrate to the satisfaction of the Department
560 of Revenue that it meets the requirements of this section.

561 (14) Any person who fraudulently claims this credit is
562 liable for repayment of the credit plus a mandatory penalty of
563 100 percent of the credit and is guilty of a misdemeanor of the
564 second degree, punishable as provided in s. 775.082 or s.
565 775.083.

566 (15) A corporation may take the credit under this section
567 against its corporate income tax liability, as provided in s.
568 220.1895. However, a corporation that applies its job tax credit
569 against the tax imposed by chapter 220 may not receive the
570 credit provided for in this section. A credit may be taken
571 against only one tax.

572 (16) An eligible business may transfer any unused credit
573 in whole or in units of no less than 25 percent of the remaining
574 credit. The entity acquiring such credit may use it in the same
575 manner and with the same limitation as described in this
576 section. Such transferred credits may not be transferred again

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577 although they may succeed to a surviving or acquiring entity
 578 subject to the same conditions and limitations described in this
 579 section.

580 (17)~~(16)~~ The department shall adopt rules governing the
 581 manner and form of applications for credit or transfers of
 582 credit and may establish guidelines concerning the requisites
 583 for an affirmative showing of qualification for the credit under
 584 this section.

585 Section 3. Subsection (12) of section 212.098, Florida
 586 Statutes, is renumbered as subsection (13), and a new subsection
 587 (12) is added to said section to read:

588 212.098 Rural Job Tax Credit Program.--

589 (12) An eligible business may transfer any unused credit
 590 in whole or in units of not less than 25 percent of the
 591 remaining credit. The entity acquiring such credit may use it in
 592 the same manner and with the same limitation as described in
 593 this section. Such transferred credits may not be transferred
 594 again although they may succeed to a surviving or acquiring
 595 entity subject to the same conditions and limitations described
 596 in this section.

597 Section 4. Section 220.1895, Florida Statutes, is amended
 598 to read:

599 220.1895 Rural Job Tax Credit and Designated Urban ~~High-~~
 600 ~~Crime Area~~ Job Tax Credit Area.--There shall be allowed a credit
 601 against the tax imposed by this chapter amounts approved by the
 602 Office of Tourism, Trade, and Economic Development pursuant to
 603 the Rural Job Tax Credit Program in s. 212.098 and the
 604 Designated Urban ~~High-Crime Area~~ Job Tax Credit Area Program in

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605 s. 212.097. A corporation that uses its credit against the tax
 606 imposed by this chapter may not take the credit against the tax
 607 imposed by chapter 212. If any credit granted under this section
 608 is not fully used in the first year for which it becomes
 609 available, the unused amount may be carried forward for a period
 610 not to exceed 5 years. The carryover may be used in a subsequent
 611 year when the tax imposed by this chapter for such year exceeds
 612 the credit for such year under this section after applying the
 613 other credits and unused credit carryovers in the order provided
 614 in s. 220.02(8). ~~The Office of Tourism, Trade, and Economic~~
 615 ~~Development shall conduct a review of the Urban High-Crime Area~~
 616 ~~Job Tax Credit and the Rural Job Tax Credit Program and submit~~
 617 ~~its report to the Governor, the President of the Senate, and the~~
 618 ~~Speaker of the House of Representatives by February 1, 2000.~~

619 Section 5. Paragraph (c) of subsection (3) of section
 620 288.095, Florida Statutes, is amended to read:

621 288.095 Economic Development Trust Fund.--

622 (3)

623 (c) By December 31 of each year, Enterprise Florida, Inc.,
 624 shall submit a complete and detailed report to the Governor, the
 625 President of the Senate, the Speaker of the House of
 626 Representatives, and the director of the Office of Tourism,
 627 Trade, and Economic Development of all applications received,
 628 recommendations made to the Office of Tourism, Trade, and
 629 Economic Development, final decisions issued, tax refund
 630 agreements executed, and tax refunds paid or other payments made
 631 under all programs funded out of the Economic Development
 632 Incentives Account, including analyses of benefits and costs,

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633 types of projects supported, and employment and investment
 634 created. Enterprise Florida, Inc., shall also include a separate
 635 analysis of the impact of such tax refunds on state enterprise
 636 zones designated pursuant to s. 290.0065, rural communities,
 637 brownfield areas, and distressed urban communities. ~~The report~~
 638 ~~must discuss whether the authority and moneys appropriated by~~
 639 ~~the Legislature to the Economic Development Incentives Account~~
 640 ~~were managed and expended in a prudent, fiducially sound manner.~~
 641 The Office of Tourism, Trade, and Economic Development shall
 642 assist Enterprise Florida, Inc., in the collection of data
 643 related to business performance and incentive payments.

644 Section 6. Subsection (7) of section 288.1045, Florida
 645 Statutes, is amended to read:

646 288.1045 Qualified defense contractor tax refund
 647 program.--

648 (7) EXPIRATION.--An applicant may not be certified as
 649 qualified under this section after June 30, 2009 ~~2004~~. However,
 650 a tax refund agreement that is in effect on that date shall
 651 continue in effect in accordance with its terms.

652 Section 7. Subsection (7) of section 288.106, Florida
 653 Statutes, is amended to read:

654 288.106 Tax refund program for qualified target industry
 655 businesses.--

656 (7) EXPIRATION.--This section expires June 30, 2009 ~~2004~~.
 657 However, a tax refund agreement in effect on that date shall
 658 continue in effect in accordance with the terms of the
 659 agreement.

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660 Section 8. Subsections (7), (8), and (11) of section
661 288.901, Florida Statutes, are amended to read:

662 288.901 Enterprise Florida, Inc.; creation; membership;
663 organization; meetings; disclosure.--

664 (7) The Governor shall serve as chairperson of the board
665 of directors. The board of directors shall biennially elect one
666 of its ~~appointive~~ members as vice chairperson. The president
667 shall keep a record of the proceedings of the board of directors
668 and is the custodian of all books, documents, and papers filed
669 with the board of directors, the minutes of the board of
670 directors, and the official seal of Enterprise Florida, Inc.

671 (8) The board of directors shall meet at least four times
672 each year, upon the call of the chairperson, at the request of
673 the vice chairperson, or at the request of a majority of the
674 membership. A majority of the total number of current, voting
675 ~~all directors fixed by subsection (3)~~ shall constitute a quorum.
676 The board of directors may take official action by a majority
677 vote of the members present at any meeting at which a quorum is
678 present.

679 (11) Notwithstanding the provisions of subsection (3), the
680 board of directors may by resolution appoint at-large members to
681 the board from the private sector, each of whom may serve a 1-
682 year term. At-large members shall have the powers and duties of
683 other members of the board, ~~except that they may not serve on an~~
684 ~~executive committee~~. An at-large member is eligible for
685 reappointment but may not vote on his or her own reappointment.
686 An at-large member shall be eligible to fill vacancies occurring
687 among private-sector appointees under subsection (3).

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688 Section 9. Subsection (1), paragraph (b) of subsection
689 (4), and subsections (5), (7), and (8) of section 288.90151,
690 Florida Statutes, are amended to read:

691 288.90151 Return on investment from activities of
692 Enterprise Florida, Inc.--

693 (1) The public funds appropriated each year for the
694 operation of Enterprise Florida, Inc., are invested in this
695 public-private partnership to enhance international trade and
696 economic development, to spur job-creating investments, and to
697 create new employment opportunities for Floridians, ~~and to~~
698 ~~prepare Floridians for those jobs~~. This policy will be the
699 Legislature's priority consideration when reviewing the return-
700 on-investment for Enterprise Florida, Inc.

701 (4)

702 (b) The board of directors of Enterprise Florida, Inc.,
703 shall adopt for each upcoming fiscal year an operating budget
704 for the organization that specifies the intended uses of the
705 state's operating investment and a plan for securing private-
706 sector support to Enterprise Florida, Inc. Each fiscal year
707 private-sector support to Enterprise Florida, Inc., shall equal
708 no less than ~~100 percent of the state's operating investment,~~
709 ~~including at least~~ \$1 million in cash as defined in paragraph
710 (5)(a), and an additional \$400,000 in cash as defined in
711 paragraphs (5)(a), (b), and (c).

712 (5) Private-sector support in operating Enterprise
713 Florida, Inc., includes:

714 (a) Cash given directly to Enterprise Florida, Inc., for
715 its operations, excluding contributions from grantees or from

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716 companies with Enterprise Florida, Inc., contracts representing
 717 more than 5 percent of the value of all Enterprise Florida,
 718 Inc., contracts, exclusive of grants, or more than 5 percent of
 719 the company's revenues. Cash in this category is not subject to
 720 restrictions on the use of appropriated funds. ~~operating budget;~~

721 (b) Cash jointly raised by Enterprise Florida, Inc., and a
 722 local economic development organization, a group of such
 723 organizations, or a statewide business organization that
 724 supports collaborative projects. ;

725 (c) Cash generated by fees charged for products or
 726 services of Enterprise Florida, Inc., and by sponsorship of
 727 events, missions, programs, and publications; ~~and~~

728 ~~(d) In-kind contributions directly to Enterprise Florida,~~
 729 ~~Inc., including: business expenditures; business services~~
 730 ~~provided; business support; or other business contributions that~~
 731 ~~augment the operations, program, activities, or assets of~~
 732 ~~Enterprise Florida, Inc., including, but not limited to: an~~
 733 ~~individual's time and expertise; sponsored publications;~~
 734 ~~private-sector staff services; payment for advertising~~
 735 ~~placements; sponsorship of events; sponsored or joint research;~~
 736 ~~discounts on leases or purchases; mission or program~~
 737 ~~sponsorship; and copayments, stock, warrants, royalties, or~~
 738 ~~other private resources dedicated to Enterprise Florida, Inc.~~

739 (7) As part of the annual report required under s.
 740 288.906, Enterprise Florida, Inc., shall include a study ~~provide~~
 741 ~~the Legislature with information~~ quantifying the public's
 742 return-on-investment as described in this section for fiscal
 743 year 1997-1998 and each subsequent fiscal year. The annual

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744 | report shall also include ~~the results of~~ a customer-satisfaction
 745 | survey of businesses served, as well as the lead economic
 746 | development staff person of each primary partner organization
 747 | ~~local economic development organization that employs a full-time~~
 748 | ~~or part-time staff person.~~

749 | (8) Enterprise Florida, Inc., in consultation with the
 750 | Office of Program Policy Analysis and Government Accountability,
 751 | shall hire an economic analysis ~~a private accounting~~ firm to
 752 | develop the methodology for establishing and reporting return-
 753 | on-investment ~~and in-kind contributions as described in this~~
 754 | ~~section~~ and a firm experienced in survey research to develop,
 755 | analyze, and report on the results of the customer-satisfaction
 756 | survey. The Office of Program Policy Analysis and Government
 757 | Accountability shall review and offer feedback on the
 758 | methodology before it is implemented. ~~The private accounting~~
 759 | ~~firm shall certify whether the applicable statements in the~~
 760 | ~~annual report comply with this subsection.~~

761 | Section 10. Subsection (3) of section 288.903, Florida
 762 | Statutes, is amended to read:

763 | 288.903 Board of directors of Enterprise Florida, Inc.;
 764 | president; employees.--

765 | (3) The board of directors of Enterprise Florida, Inc.,
 766 | and its officers shall be responsible for the prudent use of all
 767 | public and private funds and shall ensure that the use of such
 768 | funds is in accordance with all applicable laws, bylaws, or
 769 | contractual requirements. ~~No employee of Enterprise Florida,~~
 770 | ~~Inc., may receive compensation for employment which exceeds the~~
 771 | ~~salary paid to the Governor, unless the board of directors and~~

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772 ~~the employee have executed a contract that prescribes specific,~~
 773 ~~measurable performance outcomes for the employee, the~~
 774 ~~satisfaction of which provides the basis for the award of~~
 775 ~~incentive payments that increase the employee's total~~
 776 ~~compensation to a level above the salary paid to the Governor.~~

777 Section 11. Paragraph (b) of subsection (1) of section
 778 288.904, Florida Statutes, is amended to read:

779 288.904 Powers of the board of directors of Enterprise
 780 Florida, Inc.--

781 (1) The board of directors of Enterprise Florida, Inc.,
 782 shall have the power to:

783 (b)1. Make and enter into contracts and other instruments
 784 necessary or convenient for the exercise of its powers and
 785 functions, except that any contract made with an organization
 786 represented on the board of directors that exceeds 5 percent of
 787 the total annual amount of contracts of Enterprise Florida,
 788 Inc., exclusive of grants, or 5 percent of the represented
 789 organization's annual revenue must be approved by a two-thirds
 790 vote of the ~~entire board~~ members in attendance at a meeting at
 791 which a quorum is present ~~of directors~~, and the board member
 792 representing such organization shall abstain from voting. No
 793 more than 65 percent of the dollar value of all contracts or
 794 other agreements entered into in any fiscal year, exclusive of
 795 grant programs, shall be made with an organization represented
 796 on the board of directors. This section does not apply to
 797 contracts awarded by another entity to an organization
 798 represented on the board of directors or to contracts if
 799 Enterprise Florida, Inc., is the recipient of funds from an

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800 organization represented on the board of directors ~~An~~
 801 ~~organization represented on the board may not enter into a~~
 802 ~~contract to receive a state-funded economic development~~
 803 ~~incentive or similar grant, unless such incentive award is~~
 804 ~~specifically endorsed by a two-thirds vote of the entire board.~~
 805 ~~The board member representing such organization, if applicable,~~
 806 ~~shall abstain from voting and refrain from discussing the issue~~
 807 ~~with other members of the board. No more than 50 percent of the~~
 808 ~~dollar value of grants issued by the board in any fiscal year~~
 809 ~~may go to businesses associated with board members.~~

810 2. A contract that Enterprise Florida, Inc., executes with
 811 a person or organization under which such person or organization
 812 agrees to perform economic development services or similar
 813 business assistance services on behalf of Enterprise Florida,
 814 Inc., or on behalf of the state must include provisions
 815 requiring that such person or organization report on
 816 performance, account for proper use of funds provided under the
 817 contract, coordinate with other components of state and local
 818 economic development systems, and avoid duplication of existing
 819 state and local services and activities.

820 Section 12. Subsection (6) of section 288.905, Florida
 821 Statutes, is amended to read:

822 288.905 Duties of the board of directors of Enterprise
 823 Florida, Inc.--

824 (6) Any employee leased by Enterprise Florida, Inc., from
 825 the state, ~~or any employee who derives his or her salary from~~
 826 ~~funds appropriated by the Legislature,~~ may not receive a pay
 827 raise or bonus in excess of a pay raise or bonus that is

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828 received by similarly situated state employees. However, this
 829 subsection does not prohibit the payment of a pay raise or bonus
 830 from funds received from sources other than the Florida
 831 Legislature.

832 Section 13. Effective July 1, 2004, notwithstanding
 833 section 80 of chapter 2003-399, Laws of Florida, section
 834 288.9515, Florida Statutes, shall not stand repealed on July 1,
 835 2004, as scheduled by such law, but said section is reenacted
 836 and amended to read:

837 288.9515 Authorized technology development programs.--

838 (1) Enterprise Florida, Inc., may create technology
 839 development and applications services, and may serve as an
 840 umbrella organization for the coordination of information that
 841 provides ~~technology applications service providers throughout~~
 842 ~~the state which provide~~ critical, managerial, technological,
 843 scientific, and related financial and business expertise
 844 essential for international and domestic competitiveness to
 845 small-sized and medium-sized manufacturing and knowledge-based
 846 service firms. Enterprise Florida, Inc., is authorized the
 847 following powers in order to carry out these functions:

848 (a) Providing communication and coordination services
 849 among technology development and applications service providers
 850 throughout the state.

851 ~~(b) Providing coordinated marketing services to small-~~
 852 ~~sized and medium-sized manufacturers in the state on behalf of,~~
 853 ~~and in partnership with, technology applications service~~
 854 ~~providers.~~

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

858 ~~(c)(d)~~ Developing plans and policies to assist small-sized
859 and medium-sized manufacturing companies or other knowledge-
860 based firms in Florida.

861 ~~(e)~~ ~~Entering into contracts with technology applications~~
862 ~~service providers for expanded availability of high-quality~~
863 ~~assistance to small-sized and medium-sized manufacturing~~
864 ~~companies or knowledge-based service firms, including, but not~~
865 ~~limited to, technological, human resources development, market~~
866 ~~planning, finance, and interfirm collaboration. Enterprise~~
867 ~~Florida, Inc., shall ensure that all contracts in excess of~~
868 ~~\$20,000 for the delivery of such assistance to Florida firms~~
869 ~~shall be based on competitive requests for proposals and shall~~
870 ~~establish clear standards for the delivery of services under~~
871 ~~such contracts. Such standards include, but are not limited to:~~

872 ~~1. The ability and capacity to deliver services in~~
873 ~~sufficient quality and quantity.~~

874 ~~2. The ability and capacity to deliver services in a~~
875 ~~timely manner.~~

876 ~~3. The ability and capacity to meet the needs of firms in~~
877 ~~the proposed market area.~~

878 ~~(d)(f)~~ Assisting other educational institutions,
879 enterprises, or the entities providing business assistance to
880 small-sized and medium-sized manufacturing and knowledge-based
881 services enterprises.

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

885 (e)~~(h)~~ Establishing ~~special education and~~ informational
886 programs for Florida enterprises and for educational
887 institutions and enterprises providing business assistance to
888 Florida enterprises.

889 (f)~~(i)~~ Assisting in evaluating and documenting the needs
890 of firms in this state for technology development and
891 application services, and developing means to ensure that these
892 needs are met, consistent with the powers provided for in this
893 subsection.

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

896 (h)~~(k)~~ Making and executing contracts with any person,
897 enterprise, educational institution, association, or any other
898 entity necessary or convenient for the performance of its duties
899 and the exercise of the powers and functions of Enterprise
900 Florida, Inc., under this subsection.

901 (i)~~(l)~~ Receiving funds from any source to carry out the
902 purposes of providing technology development and applications
903 services, including, but not limited to, gifts or grants from
904 any department, agency, or instrumentality of the United States
905 or of the state, or any enterprise or person, for any purpose
906 consistent with the provisions of this subsection.

907 (2) ~~When choosing contractors under this section,~~
908 ~~preference shall be given to existing institutions,~~
909 ~~organizations, and enterprises so long as these existing~~

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910 ~~institutions, organizations, and enterprises demonstrate the~~
 911 ~~ability to perform at standards established by Enterprise~~
 912 ~~Florida, Inc., under paragraph (1)(e).~~ Neither the provisions of
 913 ss. 288.9511-288.9517 nor the actions taken by Enterprise
 914 Florida, Inc., under this section shall impair or hinder the
 915 operations, performance, or resources of any existing
 916 institution, organization, or enterprise.

917 (3) Enterprise Florida, Inc., may create a technology
 918 development financing fund, to be called the Florida Technology
 919 Research Investment Fund. The fund shall increase technology
 920 development in this state by investing in technology development
 921 projects that have the potential to generate investment-grade
 922 technologies of importance to the state's economy as evidenced
 923 by the willingness of private businesses to coinvest in such
 924 projects. Enterprise Florida, Inc., may also demonstrate and
 925 develop effective approaches to, and benefits of, commercially
 926 oriented research collaborations between businesses,
 927 universities, and state and federal agencies and organizations.
 928 Enterprise Florida, Inc., shall endeavor to maintain the fund as
 929 a self-supporting fund once the fund is sufficiently capitalized
 930 under program guidelines of Enterprise Florida, Inc. ~~as~~
 931 ~~reflected in the minimum funding report required in s. 288.9516.~~
 932 The technology research investment projects may include, but are
 933 not limited to:

934 (a) Technology development projects expected to lead to a
 935 specific investment-grade technology that is of importance to
 936 industry in this state.

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

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

943 (4) Enterprise Florida, Inc., shall invest moneys
944 contained in the Florida Technology Research Investment Fund in
945 technology application research or for technology development
946 projects that have the potential for commercial market
947 application. ~~The partnership shall coordinate any investment in~~
948 ~~any space-related technology projects with the Florida Space~~
949 ~~Authority and the Technological Research and Development~~
950 ~~Authority.~~

951 (a) The investment of moneys contained in the Florida
952 Technology Research Investment Fund is limited to qualified
953 ~~investments in qualified securities~~ in which a private
954 enterprise in this state coinvests at least 40 percent of the
955 total project costs, in conjunction with other cash or noncash
956 investments from state educational institutions, state and
957 federal agencies, or other institutions.

958 (b) All moneys in the Florida Technology Research
959 Investment Fund shall be continuously appropriated to the fund
960 and may be used for loan guarantees, letter of credit
961 guarantees, cash reserves for loan and letter of credit
962 guarantees, payments of claims pursuant to contracts for
963 guarantees, subordinated loans, loans with warrants, royalty
964 investments, equity investments, and ~~For the purposes of this~~

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965 ~~fund, qualified securities include loans, loans convertible to~~
 966 ~~equity, equity, loans with warrants attached that are~~
 967 ~~beneficially owned by the board, royalty agreements, or any~~
 968 ~~other contractual arrangements through which the Florida~~
 969 Technology Research Investment Fund receives an interest, right,
 970 return of funds, or other consideration and may be used for
 971 operations of the fund. All such uses of moneys in the fund are
 972 qualified investments. Any claim against the fund or Enterprise
 973 Florida, Inc., relating to investment of moneys in the fund
 974 shall be paid solely from the fund. Neither the credit nor the
 975 taxing power of the state shall be pledged to secure the fund or
 976 moneys in the fund, other than from moneys appropriated or
 977 assigned to the fund, and the state shall not be liable or
 978 obligated in any way for any claims against the fund or against
 979 Enterprise Florida, Inc. arrangement in which the board is
 980 ~~providing scientific and technological services to any federal,~~
 981 ~~state, county, or municipal agency, or to any individual,~~
 982 ~~corporation, enterprise, association, or any other entity~~
 983 ~~involving technology development.~~

984 (c) Not more than \$175,000 or 5 percent of the revenues
 985 generated by investment of moneys contained in the Florida
 986 Technology Research Investment Fund plus 5 percent of the
 987 revenues generated by investments under the Florida Small
 988 Business Technology Growth Program under s. 288.95155, whichever
 989 is greater, may be used on an annual basis to pay the combined
 990 operating expenses associated with operation of the Florida
 991 Technology Research Investment Fund and the Florida Small
 992 Business Technology Growth Program.

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993 (d) In the event of liquidation or dissolution of
 994 Enterprise Florida, Inc., or the Florida Technology Research
 995 Investment Fund, any rights or interests in a qualified security
 996 or portion of a qualified security purchased with moneys
 997 invested by the State of Florida shall vest in the state, under
 998 the control of the State Board of Administration. The state is
 999 entitled to, in proportion to the amount of investment in the
 1000 fund by the state, any balance of funds remaining in the Florida
 1001 Technology Research Investment Fund after payment of all debts
 1002 and obligations upon liquidation or dissolution of Enterprise
 1003 Florida, Inc., or the fund.

1004 (e) The investment of funds contained in the Florida
 1005 Technology Research Investment Fund does not constitute a debt,
 1006 liability, or obligation of the State of Florida or of any
 1007 political subdivision thereof, or a pledge of the faith and
 1008 credit of the state or of any such political subdivision.

1009 (5) Enterprise Florida, Inc., may create technology
 1010 commercialization programs in partnership with private
 1011 enterprises, educational institutions, and other institutions to
 1012 increase the rate at which technologies with potential
 1013 commercial application are moved from university, public, and
 1014 industry laboratories into the marketplace. Such programs shall
 1015 be created based upon research to be conducted by Enterprise
 1016 Florida, Inc.

1017 (6) Enterprise Florida, Inc., shall coordinate with local
 1018 and regional economic development organizations to facilitate a
 1019 statewide entrepreneurship strategy to stimulate the growth of
 1020 startup businesses and technology innovations in this state.

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1021 This strategy must include, but need not be limited to,
 1022 technology transfer coordination, university linkages,
 1023 entrepreneurial networks and training, and startup capital
 1024 access, including the formation and growth of individual and
 1025 business networks that may be willing to invest in startup
 1026 businesses in this state.

1027 Section 14. Subsection (2) of section 288.99, Florida
 1028 Statutes, is amended to read:

1029 288.99 Certified Capital Company Act.--

1030 (2) PURPOSE.--The primary purpose of this act is to
 1031 stimulate a substantial increase in venture capital investments
 1032 in this state by providing an incentive for insurance companies
 1033 to invest in certified capital companies in this state which, in
 1034 turn, will make investments in new businesses or in expanding
 1035 businesses, including minority-owned or minority-operated
 1036 businesses and businesses located in a designated Front Porch
 1037 community, enterprise zone, designated urban job tax credit
 1038 ~~high-crime~~ area, rural job tax credit county, or nationally
 1039 recognized historic district. The increase in investment capital
 1040 flowing into new or expanding businesses is intended to
 1041 contribute to employment growth, create jobs which exceed the
 1042 average wage for the county in which the jobs are created, and
 1043 expand or diversify the economic base of this state.

1044 Section 15. Subsections (3) and (4) of section 288.041,
 1045 Florida Statutes, are repealed:

1046 288.041 Solar energy industry; legislative findings and
 1047 policy; promotional activities.--

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1048 ~~(3) Enterprise Florida, Inc., and its boards shall assist~~
 1049 ~~in the expansion of the solar energy industry in this state.~~
 1050 ~~Such efforts shall be undertaken in cooperation with the~~
 1051 ~~Department of Community Affairs, the Florida Solar Energy~~
 1052 ~~Center, and the Florida Solar Energy Industries Association, and~~
 1053 ~~shall include:~~

1054 ~~(a) Providing assistance and support to new and existing~~
 1055 ~~photovoltaic companies, with special emphasis on attracting one~~
 1056 ~~or more manufacturers of photovoltaic products to locate within~~
 1057 ~~this state.~~

1058 ~~(b) Sponsoring initiatives which aid and take full~~
 1059 ~~advantage of the export market potential of solar technologies.~~

1060 ~~(c) Informing the business sector of this state about~~
 1061 ~~opportunities for cost-effective commercial applications of~~
 1062 ~~solar technologies.~~

1063 ~~(d) Encouraging employment of residents of this state by~~
 1064 ~~solar energy companies.~~

1065 ~~(e) Retaining existing solar energy companies and~~
 1066 ~~supporting their expansion efforts in this state.~~

1067 ~~(f) Supporting the promotion of solar energy by sponsoring~~
 1068 ~~workshops, seminars, conferences, and educational programs on~~
 1069 ~~the benefits of solar energy.~~

1070 ~~(g) Recognizing outstanding developments and achievements~~
 1071 ~~in, and contributions to, the solar energy industry.~~

1072 ~~(h) Collecting and disseminating solar energy information~~
 1073 ~~relevant to the promotion of solar energy applications.~~

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1074 ~~(i) Enlisting the support of persons, civic groups, the~~
 1075 ~~solar energy industry, and other organizations to promote and~~
 1076 ~~improve solar energy products and services.~~

1077 ~~(4) The department shall also promote projects that~~
 1078 ~~demonstrate viable applications of solar technology which may~~
 1079 ~~include, but shall not be limited to: irrigation and stock~~
 1080 ~~watering, process heat for dairy and citrus operations,~~
 1081 ~~aquaculture, hydroponics, horticulture, waste detoxification,~~
 1082 ~~and other means of meeting the energy needs of the agricultural~~
 1083 ~~industry.~~

1084 Section 16. Subsection (3) of section 288.9015, Florida
 1085 Statutes, is repealed:

1086 288.9015 Enterprise Florida, Inc.; purpose; duties.--

1087 ~~(3) It shall be the responsibility of Enterprise Florida,~~
 1088 ~~Inc., through the Workforce Development Board, to develop a~~
 1089 ~~comprehensive approach to workforce development that will result~~
 1090 ~~in better employment opportunities for the residents of this~~
 1091 ~~state. Such comprehensive approach must include:~~

1092 ~~(a) Creating and maintaining a highly skilled workforce~~
 1093 ~~that is capable of responding to rapidly changing technology and~~
 1094 ~~diversified market opportunities.~~

1095 ~~(b) Training, educating, and assisting target populations,~~
 1096 ~~such as those who are economically disadvantaged or who~~
 1097 ~~participate in the WAGES Program or otherwise receive public~~
 1098 ~~assistance to become independent, self-reliant, and self-~~
 1099 ~~sufficient. This approach must ensure the effective use of~~
 1100 ~~federal, state, local, and private resources in reducing the~~
 1101 ~~need for public assistance.~~

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1102 Section 17. Section 288.8155, Florida Statutes, is
1103 repealed.

1104 Section 18. Effective July 1, 2004, section 288.9517,
1105 Florida Statutes, and section 14 of chapter 93-187, Laws of
1106 Florida, are repealed.

1107 Section 19. Except as otherwise provided herein, this act
1108 shall take effect upon becoming a law.