

1                   A bill to be entitled  
2           An act relating to economic development; amending s.  
3           212.08, F.S.; revising sales price criteria for  
4           characterizing business property; conforming provisions to  
5           the designated urban job tax credit area revision;  
6           amending s. 212.097, F.S.; revising provisions providing  
7           for an urban job tax credit program to apply to designated  
8           urban job tax credit areas rather than high-crime areas;  
9           revising and providing definitions, eligibility criteria,  
10          application procedures and requirements, and area  
11          characteristics and criteria; authorizing transfer of  
12          unused credits under the Designated Urban Job Tax Credit  
13          Area Program; specifying use of transferred credits;  
14          prohibiting transfer of transferred credits; amending s.  
15          212.098, F.S.; authorizing transfer of unused credits  
16          under the Rural Job Tax Credit Program; specifying use of  
17          transferred credits; prohibiting transfer of transferred  
18          credits; amending s. 220.1895, F.S., to conform; amending  
19          s. 288.99, F.S.; conforming provisions to the designated  
20          urban job tax credit area revision; amending s. 290.007,  
21          F.S.; authorizing eligible businesses to transfer unused  
22          credits; providing requirements and limitations;  
23          authorizing the Office of Tourism, Trade, and Economic  
24          Development to approve requests to amend enterprise zone  
25          boundaries; providing amendment requirements; authorizing  
26          existing enterprise zones to request recertification;  
27          providing request requirements; amending s. 290.016, F.S.;

28 extending the expiration date of the Florida Enterprise  
 29 Zone Act of 1994; providing an effective date.

30  
 31 Be It Enacted by the Legislature of the State of Florida:

32  
 33 Section 1. Paragraphs (h) and (o) of subsection (5) of  
 34 section 212.08, Florida Statutes, are amended to read:

35 212.08 Sales, rental, use, consumption, distribution, and  
 36 storage tax; specified exemptions.--The sale at retail, the  
 37 rental, the use, the consumption, the distribution, and the  
 38 storage to be used or consumed in this state of the following  
 39 are hereby specifically exempt from the tax imposed by this  
 40 chapter.

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

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

43 1. Business property purchased for use by businesses  
 44 located in an enterprise zone which is subsequently used in an  
 45 enterprise zone shall be exempt from the tax imposed by this  
 46 chapter. This exemption inures to the business only through a  
 47 refund of previously paid taxes. A refund shall be authorized  
 48 upon an affirmative showing by the taxpayer to the satisfaction  
 49 of the department that the requirements of this paragraph have  
 50 been met.

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

- 55 a. The name and address of the business claiming the
- 56 refund.
- 57 b. The identifying number assigned pursuant to s. 290.0065
- 58 to the enterprise zone in which the business is located.
- 59 c. A specific description of the property for which a
- 60 refund is sought, including its serial number or other permanent
- 61 identification number.
- 62 d. The location of the property.
- 63 e. The sales invoice or other proof of purchase of the
- 64 property, showing the amount of sales tax paid, the date of
- 65 purchase, and the name and address of the sales tax dealer from
- 66 whom the property was purchased.
- 67 f. Whether the business is a small business as defined by
- 68 s. 288.703(1).
- 69 g. If applicable, the name and address of each permanent
- 70 employee of the business, including, for each employee who is a
- 71 resident of an enterprise zone, the identifying number assigned
- 72 pursuant to s. 290.0065 to the enterprise zone in which the
- 73 employee resides.
- 74 3. Within 10 working days after receipt of an application,
- 75 the governing body or enterprise zone development agency shall
- 76 review the application to determine if it contains all the
- 77 information required pursuant to subparagraph 2. and meets the
- 78 criteria set out in this paragraph. The governing body or agency
- 79 shall certify all applications that contain the information
- 80 required pursuant to subparagraph 2. and meet the criteria set
- 81 out in this paragraph as eligible to receive a refund. If
- 82 applicable, the governing body or agency shall also certify if

83 20 percent of the employees of the business are residents of an  
84 enterprise zone, excluding temporary and part-time employees.  
85 The certification shall be in writing, and a copy of the  
86 certification shall be transmitted to the executive director of  
87 the Department of Revenue. The business shall be responsible for  
88 forwarding a certified application to the department within the  
89 time specified in subparagraph 4.

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

93 5. The provisions of s. 212.095 do not apply to any refund  
94 application made pursuant to this paragraph. The amount refunded  
95 on purchases of business property under this paragraph shall be  
96 the lesser of 97 percent of the sales tax paid on such business  
97 property or \$5,000, or, if no less than 20 percent of the  
98 employees of the business are residents of an enterprise zone,  
99 excluding temporary and part-time employees, the amount refunded  
100 on purchases of business property under this paragraph shall be  
101 the lesser of 97 percent of the sales tax paid on such business  
102 property or \$10,000. A refund approved pursuant to this  
103 paragraph shall be made within 30 days of formal approval by the  
104 department of the application for the refund. No refund shall be  
105 granted under this paragraph unless the amount to be refunded  
106 exceeds \$100 in sales tax paid on purchases made within a 60-day  
107 time period.

108 6. The department shall adopt rules governing the manner  
109 and form of refund applications and may establish guidelines as

110 to the requisites for an affirmative showing of qualification  
 111 for exemption under this paragraph.

112 7. If the department determines that the business property  
 113 is used outside an enterprise zone within 3 years from the date  
 114 of purchase, the amount of taxes refunded to the business  
 115 purchasing such business property shall immediately be due and  
 116 payable to the department by the business, together with the  
 117 appropriate interest and penalty, computed from the date of  
 118 purchase, in the manner provided by this chapter.

119 Notwithstanding this subparagraph, business property used  
 120 exclusively in:

- 121 a. Licensed commercial fishing vessels,
- 122 b. Fishing guide boats, or
- 123 c. Ecotourism guide boats

124  
 125 that leave and return to a fixed location within an area  
 126 designated under s. 370.28 are eligible for the exemption  
 127 provided under this paragraph if all requirements of this  
 128 paragraph are met. Such vessels and boats must be owned by a  
 129 business that is eligible to receive the exemption provided  
 130 under this paragraph. This exemption does not apply to the  
 131 purchase of a vessel or boat.

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

138 9. For the purposes of this exemption, "business property"  
 139 means new or used property defined as "recovery property" in s.  
 140 168(c) of the Internal Revenue Code of 1954, as amended, except:

141 a. Property classified as 3-year property under s.  
 142 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended, ~~+~~

143 b. Industrial machinery and equipment as defined in sub-  
 144 subparagraph (b)6.a. and eligible for exemption under paragraph  
 145 (b) ~~+~~

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

148 d. Business property having a sales price of under \$500  
 149 ~~\$5,000~~ per unit.

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

152 (o) Building materials in redevelopment projects.--

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

154 a. "Building materials" means tangible personal property  
 155 that becomes a component part of a housing project or a mixed-  
 156 use project.

157 b. "Housing project" means the conversion of an existing  
 158 manufacturing or industrial building to housing units in a  
 159 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise  
 160 zone, empowerment zone, Front Porch Community, designated  
 161 brownfield area, or urban infill area and in which the developer  
 162 agrees to set aside at least 20 percent of the housing units in  
 163 the project for low-income and moderate-income persons or the  
 164 construction in a designated brownfield area of affordable

165 housing for persons described in s. 420.0004(9), (10), or (14),  
 166 or in s. 159.603(7).

167 c. "Mixed-use project" means the conversion of an existing  
 168 manufacturing or industrial building to mixed-use units that  
 169 include artists' studios, art and entertainment services, or  
 170 other compatible uses. A mixed-use project must be located in a  
 171 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise  
 172 zone, empowerment zone, Front Porch Community, designated  
 173 brownfield area, or urban infill area, and the developer must  
 174 agree to set aside at least 20 percent of the square footage of  
 175 the project for low-income and moderate-income housing.

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

178 2. Building materials used in the construction of a  
 179 housing project or mixed-use project are exempt from the tax  
 180 imposed by this chapter upon an affirmative showing to the  
 181 satisfaction of the department that the requirements of this  
 182 paragraph have been met. This exemption inures to the owner  
 183 through a refund of previously paid taxes. To receive this  
 184 refund, the owner must file an application under oath with the  
 185 department which includes:

186 a. The name and address of the owner.

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

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

190 d. A certification by the local building code inspector  
 191 that the project is substantially completed.

192 e. A sworn statement, under penalty of perjury, from the  
 193 general contractor licensed in this state with whom the owner  
 194 contracted to construct the project, which statement lists the  
 195 building materials used in the construction of the project and  
 196 the actual cost thereof, and the amount of sales tax paid on  
 197 these materials. If a general contractor was not used, the owner  
 198 shall provide this information in a sworn statement, under  
 199 penalty of perjury. Copies of invoices evidencing payment of  
 200 sales tax must be attached to the sworn statement.

201 3. An application for a refund under this paragraph must  
 202 be submitted to the department within 6 months after the date  
 203 the project is deemed to be substantially completed by the local  
 204 building code inspector. Within 30 working days after receipt of  
 205 the application, the department shall determine if it meets the  
 206 requirements of this paragraph. A refund approved pursuant to  
 207 this paragraph shall be made within 30 days after formal  
 208 approval of the application by the department. The provisions of  
 209 s. 212.095 do not apply to any refund application made under  
 210 this paragraph.

211 4. The department shall establish by rule an application  
 212 form and criteria for establishing eligibility for exemption  
 213 under this paragraph.

214 5. The exemption shall apply to purchases of materials on  
 215 or after July 1, 2005 ~~2000~~.

216 Section 2. Section 212.097, Florida Statutes, is amended  
 217 to read:

218 212.097 Designated Urban ~~High-Crime Area~~ Job Tax Credit  
 219 Area Program.--



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

221 (a) "Eligible business" means any sole proprietorship,

222 firm, partnership, or corporation that is located in a

223 designated urban job tax credit area ~~qualified county~~ and is

224 predominantly engaged in, or is headquarters for a business

225 predominantly engaged in, activities usually provided for

226 consideration by firms classified within the following standard

227 industrial classifications: SIC 01-SIC 09 (agriculture,

228 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-

229 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and

230 storage); SIC 70 (hotels and other lodging places); SIC 7391

231 (research and development); SIC 781 (motion picture production

232 and allied services); SIC 7992 (public golf courses); ~~and~~ SIC

233 7996 (amusement parks); and a targeted industry eligible for the

234 qualified target industry business tax refund under s. 288.106.

235 A call center or similar customer service operation that

236 services a multistate market or international market is also an

237 eligible business. In addition, the Office of Tourism, Trade,

238 and Economic Development may, as part of its final budget

239 request submitted pursuant to s. 216.023, recommend additions to

240 or deletions from the list of standard industrial

241 classifications used to determine an eligible business, and the

242 Legislature may implement such recommendations. Excluded from

243 eligible receipts are receipts from retail sales, except such

244 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other

245 lodging places classified in SIC 70, public golf courses in SIC

246 7992, and amusement parks in SIC 7996. For purposes of this

247 paragraph, the term "predominantly" means that more than 50

248 percent of the business's gross receipts from all sources is  
249 generated by those activities usually provided for consideration  
250 by firms in the specified standard industrial classification.  
251 The determination of whether the business is located in a  
252 designated urban job tax credit ~~qualified high-crime~~ area and  
253 ~~the tier ranking of that area~~ must be based on the date of  
254 application for the credit under this section. Commonly owned  
255 and controlled entities are to be considered a single business  
256 entity.

257 (b) "Qualified employee" means any employee of an eligible  
258 business who performs duties in connection with the operations  
259 of the business on a regular, full-time basis for an average of  
260 at least 36 hours per week for at least 3 months within the  
261 designated urban job tax credit ~~qualified high-crime~~ area in  
262 which the eligible business is located. An owner or partner of  
263 the eligible business is not a qualified employee. The term also  
264 includes an employee leased from an employee leasing company  
265 licensed under chapter 468, if such employee has been  
266 continuously leased to the employer for an average of at least  
267 36 hours per week for more than 6 months.

268 (c) "New business" means any eligible business first  
269 beginning operation on a site in a designated urban job tax  
270 credit ~~qualified high-crime~~ area and clearly separate from any  
271 other commercial or business operation of the business entity  
272 within a designated urban job tax credit ~~qualified high-crime~~  
273 area. A business entity that operated an eligible business  
274 within a designated urban job tax credit ~~qualified high-crime~~

275 area within the 48 months before the period provided for  
 276 application by subsection (2) is not considered a new business.

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

279 (e) "Designated urban job tax credit ~~Qualified high-crime~~  
 280 area" means an area selected by the Office of Tourism, Trade,  
 281 and Economic Development in the following manner: every third  
 282 year, the office shall rank and tier those areas nominated under  
 283 subsection (7), according to the highest level of distress  
 284 experienced in the categories enumerated under subsection (7).

285 The Office of Tourism, Trade, and Economic Development shall  
 286 designate the 30 highest-distress-profile urban areas as  
 287 eligible participants under the Designated Urban Job Tax Credit  
 288 Area Program. ~~following prioritized criteria:~~

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

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

295 3. ~~Highest percentage of reported index crimes that are~~  
 296 ~~violent in nature;~~

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

298 5. ~~Highest overall index crime rate for the geographic~~  
 299 ~~area.~~

300

301 ~~Tier one areas are ranked 1 through 5 and represent the highest~~  
 302 ~~crime areas according to this ranking. Tier two areas are ranked~~

303 ~~6 through 10 according to this ranking. Tier three areas are~~  
 304 ~~ranked 11 through 15.~~ Notwithstanding this definition,  
 305 "designated urban job tax credit qualified high-crime area" also  
 306 means an area that has been designated as a federal Empowerment  
 307 Zone pursuant to the Taxpayer Relief Act of 1997 or the  
 308 Community Tax Relief Act of 2000. ~~Such a designated area is~~  
 309 ~~ranked in tier three until the areas are reevaluated by the~~  
 310 ~~Office of Tourism, Trade, and Economic Development.~~

311 (f) "Central business district" means an area comprised of  
 312 at least 80 percent commercial and government buildings and  
 313 properties that is characterized by a high concentration of  
 314 retail businesses, service businesses, offices, theaters, and  
 315 hotels and is located in a Department of Transportation urban  
 316 service area.

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

322 (2) A new eligible business may apply for a tax credit  
 323 under this subsection once at any time during its first year of  
 324 operation. A new eligible business in a designated urban job tax  
 325 credit tier-one qualified high-crime area which has at least 10  
 326 qualified employees on the date of application shall receive a  
 327 \$1,500 tax credit for each such employee. A new eligible  
 328 ~~business in a tier two qualified high-crime area which has at~~  
 329 ~~least 20 qualified employees on the date of application shall~~  
 330 ~~receive a \$1,000 tax credit for each such employee. A new~~

CODING: Words **stricken** are deletions; words **underlined** are additions.

331 ~~eligible business in a tier three qualified high crime area~~  
 332 ~~which has at least 30 qualified employees on the date of~~  
 333 ~~application shall receive a \$500 tax credit for each such~~  
 334 ~~employee.~~

335 (3) An existing eligible business may apply for a tax  
 336 credit under this subsection at any time it is entitled to such  
 337 credit, except as restricted by this subsection. An existing  
 338 eligible business in a designated urban job tax credit tier one  
 339 ~~qualified high crime~~ area which on the date of application has  
 340 at least 5 more qualified employees than it had 1 year prior to  
 341 its date of application shall receive a ~~\$1,500 tax credit for~~  
 342 ~~each such additional employee. An existing eligible business in~~  
 343 ~~a tier two qualified high crime area which on the date of~~  
 344 ~~application has at least 10 more qualified employees than it had~~  
 345 ~~1 year prior to its date of application shall receive a \$1,000~~  
 346 ~~credit for each such additional employee. An existing business~~  
 347 ~~in a tier three qualified high crime area which on the date of~~  
 348 ~~application has at least 15 more qualified employees than it had~~  
 349 ~~1 year prior to its date of application shall receive a \$500 tax~~  
 350 ~~credit for each such additional employee. An existing eligible~~  
 351 business may apply for the credit under this subsection no more  
 352 than once in any 12-month period. Any existing eligible business  
 353 that received a credit under subsection (2) may not apply for  
 354 the credit under this subsection sooner than 12 months after the  
 355 application date for the credit under subsection (2).

356 (4) For any new eligible business receiving a credit  
 357 pursuant to subsection (2), an additional \$500 credit shall be  
 358 provided for any qualified employee who is a welfare transition

359 program participant. For any existing eligible business  
 360 receiving a credit pursuant to subsection (3), an additional  
 361 \$500 credit shall be provided for any qualified employee who is  
 362 a welfare transition program participant. Such employee must be  
 363 employed on the application date and have been employed less  
 364 than 1 year. This credit shall be in addition to other credits  
 365 pursuant to this section ~~regardless of the tier level of the~~  
 366 ~~high-crime area~~. Appropriate documentation concerning the  
 367 eligibility of an employee for this credit must be submitted as  
 368 determined by the department.

369 (5) To be eligible for a tax credit under subsection (3),  
 370 the number of qualified employees employed 1 year prior to the  
 371 application date must be no lower than the number of qualified  
 372 employees on the application date on which a credit under this  
 373 section was based for any previous application, including an  
 374 application under subsection (2).

375 (6) Any county or municipality, or a county and one or  
 376 more municipalities together, may apply to the Office of  
 377 Tourism, Trade, and Economic Development for the designation of  
 378 an area as a designated urban job tax credit ~~high-crime~~ area  
 379 after the adoption by the governing body or bodies of a  
 380 resolution that:

381 (a) Finds that an urban ~~a high-crime~~ area exists in such  
 382 county or municipality, or in both the county and one or more  
 383 municipalities, which chronically exhibits extreme and  
 384 unacceptable levels of poverty, unemployment, physical  
 385 deterioration, and economic disinvestment.†

386 (b) Determines that the rehabilitation, conservation, or  
 387 redevelopment, or a combination thereof, of such an urban a  
 388 ~~high-crime~~ area is necessary in the interest of the health,  
 389 safety, and welfare of the residents of such county or  
 390 municipality, or such county and one or more municipalities. ~~;~~  
 391 ~~and~~

392 (c) Determines that the revitalization of such an urban a  
 393 ~~high-crime~~ area can occur if the public sector or private sector  
 394 can be induced to invest its own resources in productive  
 395 enterprises that build or rebuild the economic viability of the  
 396 area.

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

400 (a) Income characteristics:

401 1. Forty percent of area residents are earning wages on an  
 402 annual basis that are equal to or less than the annual wage of a  
 403 person who is earning minimum wage; or

404 2. More than 20 percent of residents or families live  
 405 below the federal standard of poverty for individuals or a  
 406 family of four. ~~The overall index crime rate for the geographic~~  
 407 ~~area;~~

408 (b) Education characteristics:

409 1. Has a high school dropout rate higher than the county  
 410 average; or

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

413 (c) Workforce and employment characteristics:

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

416 2. More than 50 percent of families subject to the  
 417 welfare-to-work transition time limit are either within 6 months  
 418 of the time limit or are receiving cash assistance under a  
 419 period of hardship extension to the time limit; or

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

424 (d) Crime characteristics:

425 1. Has an arrest rate higher than the state's average rate  
 426 for such crimes as drug sale, drug possession, prostitution,  
 427 vandalism, and civil disturbances, as recorded by the total  
 428 crime index of the Department of Law Enforcement; or

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

433 (e) Residential and commercial property-related  
 434 characteristics:

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

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

438 b. More than 5 percent of area homes, apartments, or  
 439 buildings are abandoned, have been condemned within the previous  
 440 24 months, or have a greater number of violations of the Florida  
 441 Building Code than recorded in the remainder of the county or



442 municipality; or

443 c. Tax or special assessment delinquencies exceed the fair  
 444 value of the land ~~The arrest rates within the geographic area~~  
 445 ~~for violent crime and for such other crimes as drug sale, drug~~  
 446 ~~possession, prostitution, disorderly conduct, vandalism, and~~  
 447 ~~other public order offenses.~~

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

452 (9)(a) An area nominated by a county or municipality, or a  
 453 county and one or more municipalities together, for designation  
 454 as a designated urban job tax credit ~~high-crime~~ area shall be  
 455 eligible only if it meets the following criteria:

456 1.(a) ~~The selected area does not exceed 20 square miles~~  
 457 ~~and either~~ has a continuous boundary or consists of not more  
 458 than three noncontiguous parcels;

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

461 a.1. ~~For areas communities~~ having a total population of  
 462 150,000 persons or more, the selected area does not exceed 20  
 463 square miles and is within 10 miles of the central business  
 464 district of a city.

465 b.2. ~~For areas communities~~ having a total population of  
 466 50,000 persons or more, but fewer than 150,000 persons, the  
 467 selected area does not exceed 10 square miles and is within 7.5  
 468 miles of the central business district of a city.

469 c.3. For areas ~~communities~~ having a total population of  
 470 20,000 persons or more, but fewer than 50,000 persons, the  
 471 selected area does not exceed 5 square miles and is within 5  
 472 miles of the central business district of a city.

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

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

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

486 (b) Within 30 working days after receipt of an application  
 487 for credit, the Office of Tourism, Trade, and Economic  
 488 Development shall review the application to determine whether it  
 489 contains all the information required by this subsection and  
 490 meets the criteria set out in this section. Subject to the  
 491 provisions of paragraph (c), the Office of Tourism, Trade, and  
 492 Economic Development shall approve all applications that contain  
 493 the information required by this subsection and meet the  
 494 criteria set out in this section as eligible to receive a  
 495 credit.

496 (c) The maximum credit amount that may be approved during  
497 any calendar year is \$5 million, ~~of which \$1 million shall be~~  
498 ~~exclusively reserved for tier one areas~~. The Department of  
499 Revenue, in conjunction with the Office of Tourism, Trade, and  
500 Economic Development, shall notify the governing bodies in areas  
501 designated under this section ~~as urban high crime areas~~ when the  
502 \$5 million maximum amount has been reached. Applications must be  
503 considered for approval in the order in which they are received  
504 without regard to whether the credit is for a new or existing  
505 business. This limitation applies to the value of the credit as  
506 contained in approved applications. Approved credits may be  
507 taken in the time and manner allowed pursuant to this section.

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

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

517 (13) It is the responsibility of each business to  
518 affirmatively demonstrate to the satisfaction of the Department  
519 of Revenue that it meets the requirements of this section.

520 (14) Any person who fraudulently claims this credit is  
521 liable for repayment of the credit plus a mandatory penalty of  
522 100 percent of the credit and is guilty of a misdemeanor of the

523 second degree, punishable as provided in s. 775.082 or s.  
 524 775.083.

525 (15) A corporation may take the credit under this section  
 526 against its corporate income tax liability, as provided in s.  
 527 220.1895. However, a corporation that applies its job tax credit  
 528 against the tax imposed by chapter 220 may not receive the  
 529 credit provided for in this section. A credit may be taken  
 530 against only one tax.

531 (16) An eligible business may transfer any unused credit  
 532 in whole or in units of no less than 25 percent of the remaining  
 533 credit. The entity acquiring such credit may use it in the same  
 534 manner and with the same limitation as described in this  
 535 section. Such transferred credits may not be transferred again  
 536 although they may succeed to a surviving or acquiring entity  
 537 subject to the same conditions and limitations described in this  
 538 section.

539 ~~(17)(16)~~ The department shall adopt rules governing the  
 540 manner and form of applications for credit or transfers of  
 541 credit and may establish guidelines concerning the requisites  
 542 for an affirmative showing of qualification for the credit under  
 543 this section.

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

547 212.098 Rural Job Tax Credit Program.--

548 (12) An eligible business may transfer any unused credit  
 549 in whole or in units of not less than 25 percent of the  
 550 remaining credit. The entity acquiring such credit may use it in

551 the same manner and with the same limitation as described in  
 552 this section. Such transferred credits may not be transferred  
 553 again although they may succeed to a surviving or acquiring  
 554 entity subject to the same conditions and limitations described  
 555 in this section.

556 Section 4. Section 220.1895, Florida Statutes, is amended  
 557 to read:

558 220.1895 Rural Job Tax Credit and Designated Urban ~~High-~~  
 559 ~~Crime Area~~ Job Tax Credit.--There shall be allowed a credit  
 560 against the tax imposed by this chapter amounts approved by the  
 561 Office of Tourism, Trade, and Economic Development pursuant to  
 562 the Rural Job Tax Credit Program in s. 212.098 and the  
 563 Designated Urban ~~High-Crime Area~~ Job Tax Credit Area Program in  
 564 s. 212.097. A corporation that uses its credit against the tax  
 565 imposed by this chapter may not take the credit against the tax  
 566 imposed by chapter 212. If any credit granted under this section  
 567 is not fully used in the first year for which it becomes  
 568 available, the unused amount may be carried forward for a period  
 569 not to exceed 5 years. The carryover may be used in a subsequent  
 570 year when the tax imposed by this chapter for such year exceeds  
 571 the credit for such year under this section after applying the  
 572 other credits and unused credit carryovers in the order provided  
 573 in s. 220.02(8). The Office of Tourism, Trade, and Economic  
 574 Development shall conduct a review of the Designated Urban ~~High-~~  
 575 ~~Crime Area~~ Job Tax Credit Area Program and the Rural Job Tax  
 576 Credit Program and submit its report to the Governor, the  
 577 President of the Senate, and the Speaker of the House of  
 578 Representatives by February 1, 2000.

579 Section 5. Subsection (2) of section 288.99, Florida  
 580 Statutes, is amended to read:

581 288.99 Certified Capital Company Act.--

582 (2) PURPOSE.--The primary purpose of this act is to  
 583 stimulate a substantial increase in venture capital investments  
 584 in this state by providing an incentive for insurance companies  
 585 to invest in certified capital companies in this state which, in  
 586 turn, will make investments in new businesses or in expanding  
 587 businesses, including minority-owned or minority-operated  
 588 businesses and businesses located in a designated Front Porch  
 589 community, enterprise zone, designated urban job tax credit  
 590 ~~high-crime~~ area, rural job tax credit county, or nationally  
 591 recognized historic district. The increase in investment capital  
 592 flowing into new or expanding businesses is intended to  
 593 contribute to employment growth, create jobs which exceed the  
 594 average wage for the county in which the jobs are created, and  
 595 expand or diversify the economic base of this state.

596 Section 6. Subsection (9) is added to section 290.007,  
 597 Florida Statutes, to read:

598 290.007 State incentives available in enterprise  
 599 zones.--The following incentives are provided by the state to  
 600 encourage the revitalization of enterprise zones:

601 (9) An eligible business may transfer any unused credit in  
 602 whole or in units of no less than 25 percent of the remaining  
 603 credit. The entity acquiring such credit may use the credit in  
 604 the same manner and with the same limitation as described in ss.  
 605 212.096 and 220.181. Such transferred credits may not be  
 606 transferred again but may succeed to a surviving or acquiring

607 entity subject to the same conditions and limitations described  
608 in this section.

609 Section 7. (1) Notwithstanding any provision of ss.  
610 290.001-290.016, Florida Statutes, the Office of Tourism, Trade,  
611 and Economic Development may approve any request to amend the  
612 boundaries of an enterprise zone created or recertified after  
613 September 1, 2005. Boundary amendments authorized pursuant to  
614 this subsection are subject to the following requirements:

615 (a) The amendment shall not increase the overall size of  
616 the zone beyond 20 square miles.

617 (b) The amendment shall be consistent with the rationale  
618 for the establishment of the enterprise zone as provided in s.  
619 290.0058.

620 (c) The local enterprise zone development agency shall  
621 request the amendment from the Office of Tourism, Trade, and  
622 Economic Development. The request must contain maps and  
623 sufficient information to allow the office to determine the  
624 number of noncontiguous areas and the total enterprise zone  
625 size. The request must also contain the justification for  
626 changing the existing enterprise zone boundaries.

627 (d) The office shall have 30 days to review and act upon  
628 the boundary amendment request.

629 (2) All enterprise zones existing as of December 31, 2004,  
630 may submit a letter requesting recertification of the existing  
631 enterprise zone to the Office of Tourism, Trade, and Economic  
632 Development by September 1, 2005. No reasonable request for  
633 recertification shall be denied. Such request shall include:

634           (a) A description of the progress made within the zone as  
 635 measured against the existing strategic plan.

636           (b) A map of the zone.

637           (c) A statement of the goals for the next calendar year,  
 638 including, but not limited to, the number of new jobs, housing  
 639 starts, infrastructure projects, and new capital investment.

640           (d) A narrative description of the zone with address  
 641 ranges.

642           Section 8. Section 290.016, Florida Statutes, is amended  
 643 to read:

644           290.016 Repeal.--Sections 290.001-290.015 shall stand  
 645 repealed on December 31, 2015 ~~2005~~.

646           Section 9. This act shall take effect July 1, 2005.