

By the Committee on Transportation and Economic Development
Appropriations; and Senators Saunders, Klein, Haridopolos,
King and Dockery

606-2235-05

1 A bill to be entitled

2 An act relating to tax refund programs for

3 qualified target industry businesses and

4 qualified defense contractors; amending s.

5 288.095, F.S., relating to payment of claims

6 for certain tax refunds; revising a reporting

7 requirement; amending s. 288.1045, F.S.;

8 redefining the term "jobs"; clarifying that

9 state communications services taxes may be

10 refunded; revising requirements for an

11 application for certification; permitting a

12 qualified applicant to seek an

13 economic-stimulus exemption due to the effects

14 of a named hurricane or tropical storm;

15 extending the period of the exemption; revising

16 the exemption application deadline; providing

17 for retroactivity; clarifying the cap on tax

18 refunds; providing for a waiver of the

19 requirement for local financial support, in

20 certain circumstances and for a limited time;

21 revising the expiration date; amending s.

22 288.106, F.S.; clarifying that state

23 communications services taxes may be refunded;

24 revising an application requirement; permitting

25 a business to seek an economic-stimulus

26 exemption due to the effects of a named

27 hurricane or tropical storm; extending the

28 period of the exemption; revising the exemption

29 application deadline; providing for

30 retroactivity; providing for a waiver of the

31 requirement for local financial support, in

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

1 certain circumstances and for a limited time;
2 revising the expiration date; requiring the
3 Office of Tourism, Trade, and Economic
4 Development to attempt to amend existing tax
5 refund agreements; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Paragraphs (b) and (c) of subsection (3) of
10 section 288.095, Florida Statutes, are amended to read:

11 288.095 Economic Development Trust Fund.--

12 (3)

13 (b) The total amount of tax refund claims approved for
14 payment by the Office of Tourism, Trade, and Economic
15 Development based on actual project performance may not exceed
16 the amount appropriated to the Economic Development Incentives
17 Account for such purposes for the fiscal year. Claims for tax
18 refunds under ss. 288.1045 and 288.106 shall be paid in the
19 order the claims are approved by the Office of Tourism, Trade,
20 and Economic Development. If ~~in the event~~ the Legislature does
21 not appropriate an amount sufficient to satisfy ~~the estimates~~
22 ~~by the office for~~ tax refunds under ss. 288.1045 and 288.106
23 in a fiscal year, the Office of Tourism, Trade, and Economic
24 Development shall ~~pay the tax refunds from the appropriation~~
25 ~~for the following, not later than July 15 of such year,~~
26 ~~determine the proportion of each refund claim which shall be~~
27 ~~paid by dividing the amount appropriated for tax refunds for~~
28 ~~the fiscal year by the estimated total of refund claims for~~
29 ~~the~~ fiscal year. By March 1 of each year, the Office of
30 Tourism, Trade, and Economic Development shall notify the
31 legislative appropriations committees of the Senate and House

1 ~~of Representatives of any anticipated shortfall in the amount~~
2 ~~of funds needed to satisfy claims for tax refunds from the~~
3 ~~appropriation for the current fiscal year. The amount of each~~
4 ~~claim for a tax refund shall be multiplied by the resulting~~
5 ~~quotient. If, after the payment of all such refund claims,~~
6 ~~funds remain in the Economic Development Incentives Account~~
7 ~~for tax refunds, the office shall recalculate the proportion~~
8 ~~for each refund claim and adjust the amount of each claim~~
9 ~~accordingly.~~

10 (c) By December 31 of each year, Enterprise Florida,
11 Inc., shall submit a complete and detailed report to the
12 Governor, the President of the Senate, the Speaker of the
13 House of Representatives, and the director of the Office of
14 Tourism, Trade, and Economic Development of all applications
15 received, recommendations made to the Office of Tourism,
16 Trade, and Economic Development, final decisions issued, tax
17 refund agreements executed, and tax refunds paid or other
18 payments made under all programs funded out of the Economic
19 Development Incentives Account, including analyses of benefits
20 and costs, types of projects supported, and employment and
21 investment created. Enterprise Florida, Inc., shall also
22 include a separate analysis of the impact of such tax refunds
23 on state enterprise zones designated pursuant to s. 290.0065,
24 rural communities, brownfield areas, and distressed urban
25 communities. The report must also discuss the efforts made by
26 the Office of Tourism, Trade, and Economic Development to
27 amend tax refund agreements to require tax refund claims to be
28 submitted by January 31 for the net new full-time equivalent
29 Florida jobs as of December 31 of the preceding calendar year.
30 The report must also list the name and amount of the tax
31 refund for each business that has received a tax refund under

1 s. 288.1045 or s. 288.106 during the preceding fiscal year.
2 ~~The report must discuss whether the authority and moneys~~
3 ~~appropriated by the Legislature to the Economic Development~~
4 ~~Incentives Account were managed and expended in a prudent,~~
5 ~~fiducially sound manner.~~ The Office of Tourism, Trade, and
6 Economic Development shall assist Enterprise Florida, Inc., in
7 the collection of data related to business performance and
8 incentive payments.

9 Section 2. Paragraph (g) of subsection (1), paragraph
10 (f) of subsection (2), paragraphs (b), (c), and (d) of
11 subsection (3), paragraph (b) of subsection (4), and paragraph
12 (e) of subsection (5) of section 288.1045, Florida Statutes,
13 are amended, present subsection (7) of that section is
14 redesignated as subsection (8) and amended, and a new
15 subsection (7) is added to that section, to read:

16 288.1045 Qualified defense contractor tax refund
17 program.--

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

19 (g) "Jobs" means full-time equivalent positions,
20 consistent with the use of such terms by the Agency for
21 Workforce Innovation for the purpose of unemployment
22 compensation tax, created or retained as a direct result of
23 ~~resulting directly from~~ a project in this state. This number
24 does not include temporary construction jobs involved with the
25 construction of facilities for the project.

26 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

27 (f) After entering into a tax refund agreement
28 pursuant to subsection (4), a qualified applicant may receive
29 refunds from the Economic Development Trust Fund for the
30 following taxes due and paid by the qualified applicant
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1 beginning with the applicant's first taxable year that begins
2 after entering into the agreement:

3 1. Taxes on sales, use, and other transactions paid
4 pursuant to chapter 212.

5 2. State communications services taxes administered
6 under chapter 202. This subparagraph does not apply to the
7 gross receipts tax imposed under chapter 203 and administered
8 under chapter 202 or the local communications services tax
9 authorized under s. 202.19.

10 ~~3.2.~~ Corporate income taxes paid pursuant to chapter
11 220.

12 ~~4.3.~~ Intangible personal property taxes paid pursuant
13 to chapter 199.

14 ~~5.4.~~ Emergency excise taxes paid pursuant to chapter
15 221.

16 ~~6.5.~~ Excise taxes paid on documents pursuant to
17 chapter 201.

18 ~~7.6.~~ Ad valorem taxes paid, as defined in s.
19 220.03(1)(a) on June 1, 1996.

20
21 However, a qualified applicant may not receive a tax refund
22 pursuant to this section for any amount of credit, refund, or
23 exemption granted such contractor for any of such taxes. If a
24 refund for such taxes is provided by the office, which taxes
25 are subsequently adjusted by the application of any credit,
26 refund, or exemption granted to the qualified applicant other
27 than that provided in this section, the qualified applicant
28 shall reimburse the Economic Development Trust Fund for the
29 amount of such credit, refund, or exemption. A qualified
30 applicant must notify and tender payment to the office within
31 20 days after receiving a credit, refund, or exemption, other

1 than that provided in this section. The addition of
2 communications services taxes administered under chapter 202
3 is remedial in nature and retroactive to October 1, 2001. The
4 office may make supplemental tax refund payments to allow for
5 tax refunds for communications services taxes paid by an
6 eligible qualified defense contractor after October 1, 2001.

7 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8 DETERMINATION.--

9 (b) Applications for certification based on the
10 consolidation of a Department of Defense contract or a new
11 Department of Defense contract must be submitted to the office
12 as prescribed by the office and must include, but are not
13 limited to, the following information:

14 1. The applicant's federal employer identification
15 number, the applicant's Florida sales tax registration number,
16 and a notarized signature of an officer of the applicant.

17 2. The permanent location of the manufacturing,
18 assembling, fabricating, research, development, or design
19 facility in this state at which the project is or is to be
20 located.

21 3. The Department of Defense contract numbers of the
22 contract to be consolidated, the new Department of Defense
23 contract number, or the "RFP" number of a proposed Department
24 of Defense contract.

25 4. The date the contract was executed or is expected
26 to be executed, and the date the contract is due to expire or
27 is expected to expire.

28 5. The commencement date for project operations under
29 the contract in this state.

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1 6. The number of net new full-time equivalent Florida
2 jobs included in the project as of December 31 of each year
3 and the average wage of such jobs.

4 7. The number of full-time equivalent Florida jobs to
5 be retained by the project.

6 ~~8.7.~~ The total number of full-time equivalent
7 employees employed by the applicant in this state.

8 ~~9.8.~~ The percentage of the applicant's gross receipts
9 derived from Department of Defense contracts during the 5
10 taxable years immediately preceding the date the application
11 is submitted.

12 ~~9. The amount of:~~

13 ~~a. Taxes on sales, use, and other transactions paid~~
14 ~~pursuant to chapter 212;~~

15 ~~b. Corporate income taxes paid pursuant to chapter~~
16 ~~220;~~

17 ~~c. Intangible personal property taxes paid pursuant to~~
18 ~~chapter 199;~~

19 ~~d. Emergency excise taxes paid pursuant to chapter~~
20 ~~221;~~

21 ~~e. Excise taxes paid on documents pursuant to chapter~~
22 ~~201; and~~

23 ~~f. Ad valorem taxes paid~~

24
25 ~~during the 5 fiscal years immediately preceding the date of~~
26 ~~the application, and the projected amounts of such taxes to be~~
27 ~~due in the 3 fiscal years immediately following the date of~~
28 ~~the application.~~

29 10. The estimated amount of tax refunds to be claimed
30 for each fiscal year.

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1 11. A brief statement concerning the applicant's need
2 for tax refunds, and the proposed uses of such refunds by the
3 applicant.

4 12. A resolution adopted by the county commissioners
5 of the county in which the project will be located, which
6 recommends the applicant be approved as a qualified applicant,
7 and which indicates that the necessary commitments of local
8 financial support for the applicant exist. Prior to the
9 adoption of the resolution, the county commission may review
10 the proposed public or private sources of such support and
11 determine whether the proposed sources of local financial
12 support can be provided or, for any applicant whose project is
13 located in a county designated by the Rural Economic
14 Development Initiative, a resolution adopted by the county
15 commissioners of such county requesting that the applicant's
16 project be exempt from the local financial support
17 requirement.

18 13. Any additional information requested by the
19 office.

20 (c) Applications for certification based on the
21 conversion of defense production jobs to nondefense production
22 jobs must be submitted to the office as prescribed by the
23 office and must include, but are not limited to, the following
24 information:

25 1. The applicant's federal employer identification
26 number, the applicant's Florida sales tax registration number,
27 and a notarized signature of an officer of the applicant.

28 2. The permanent location of the manufacturing,
29 assembling, fabricating, research, development, or design
30 facility in this state at which the project is or is to be
31 located.

1 3. The Department of Defense contract numbers of the
2 contract under which the defense production jobs will be
3 converted to nondefense production jobs.

4 4. The date the contract was executed, and the date
5 the contract is due to expire or is expected to expire, or was
6 canceled.

7 5. The commencement date for the nondefense production
8 operations in this state.

9 6. The number of net new full-time equivalent Florida
10 jobs included in the nondefense production project as of
11 December 31 of each year and the average wage of such jobs.

12 7. The number of full-time equivalent Florida jobs to
13 be retained by the project.

14 ~~8.7.~~ The total number of full-time equivalent
15 employees employed by the applicant in this state.

16 ~~9.8.~~ The percentage of the applicant's gross receipts
17 derived from Department of Defense contracts during the 5
18 taxable years immediately preceding the date the application
19 is submitted.

20 ~~9. The amount of:~~

21 ~~a. Taxes on sales, use, and other transactions paid~~
22 ~~pursuant to chapter 212;~~

23 ~~b. Corporate income taxes paid pursuant to chapter~~
24 ~~220;~~

25 ~~c. Intangible personal property taxes paid pursuant to~~
26 ~~chapter 199;~~

27 ~~d. Emergency excise taxes paid pursuant to chapter~~
28 ~~221;~~

29 ~~e. Excise taxes paid on documents pursuant to chapter~~
30 ~~201; and~~

31 ~~f. Ad valorem taxes paid~~

1
2 ~~during the 5 fiscal years immediately preceding the date of~~
3 ~~the application, and the projected amounts of such taxes to be~~
4 ~~due in the 3 fiscal years immediately following the date of~~
5 ~~the application.~~

6 10. The estimated amount of tax refunds to be claimed
7 for each fiscal year.

8 11. A brief statement concerning the applicant's need
9 for tax refunds, and the proposed uses of such refunds by the
10 applicant.

11 12. A resolution adopted by the county commissioners
12 of the county in which the project will be located, which
13 recommends the applicant be approved as a qualified applicant,
14 and which indicates that the necessary commitments of local
15 financial support for the applicant exist. Prior to the
16 adoption of the resolution, the county commission may review
17 the proposed public or private sources of such support and
18 determine whether the proposed sources of local financial
19 support can be provided or, for any applicant whose project is
20 located in a county designated by the Rural Economic
21 Development Initiative, a resolution adopted by the county
22 commissioners of such county requesting that the applicant's
23 project be exempt from the local financial support
24 requirement.

25 13. Any additional information requested by the
26 office.

27 (d) Applications for certification based on a contract
28 for reuse of a defense-related facility must be submitted to
29 the office as prescribed by the office and must include, but
30 are not limited to, the following information:
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1 1. The applicant's Florida sales tax registration
2 number and a notarized signature of an officer of the
3 applicant.

4 2. The permanent location of the manufacturing,
5 assembling, fabricating, research, development, or design
6 facility in this state at which the project is or is to be
7 located.

8 3. The business entity holding a valid Department of
9 Defense contract or branch of the Armed Forces of the United
10 States that previously occupied the facility, and the date
11 such entity last occupied the facility.

12 4. A copy of the contract to reuse the facility, or
13 such alternative proof as may be prescribed by the office that
14 the applicant is seeking to contract for the reuse of such
15 facility.

16 5. The date the contract to reuse the facility was
17 executed or is expected to be executed, and the date the
18 contract is due to expire or is expected to expire.

19 6. The commencement date for project operations under
20 the contract in this state.

21 7. The number of net new full-time equivalent Florida
22 jobs included in the project as of December 31 of each year
23 and the average wage of such jobs.

24 8. The number of full-time equivalent Florida jobs to
25 be retained by the project.

26 ~~9.8.~~ The total number of full-time equivalent
27 employees employed by the applicant in this state.

28 ~~9. The amount of:~~

29 ~~a. Taxes on sales, use, and other transactions paid~~
30 ~~pursuant to chapter 212.~~

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1 ~~b. Corporate income taxes paid pursuant to chapter~~
2 ~~220.~~
3 ~~c. Intangible personal property taxes paid pursuant to~~
4 ~~chapter 199.~~
5 ~~d. Emergency excise taxes paid pursuant to chapter~~
6 ~~221.~~
7 ~~e. Excise taxes paid on documents pursuant to chapter~~
8 ~~201.~~
9 ~~f. Ad valorem taxes paid during the 5 fiscal years~~
10 ~~immediately preceding the date of the application, and the~~
11 ~~projected amounts of such taxes to be due in the 3 fiscal~~
12 ~~years immediately following the date of the application.~~
13 10. The estimated amount of tax refunds to be claimed
14 for each fiscal year.
15 11. A brief statement concerning the applicant's need
16 for tax refunds, and the proposed uses of such refunds by the
17 applicant.
18 12. A resolution adopted by the county commissioners
19 of the county in which the project will be located, which
20 recommends the applicant be approved as a qualified applicant,
21 and which indicates that the necessary commitments of local
22 financial support for the applicant exist. Prior to the
23 adoption of the resolution, the county commission may review
24 the proposed public or private sources of such support and
25 determine whether the proposed sources of local financial
26 support can be provided or, for any applicant whose project is
27 located in a county designated by the Rural Economic
28 Development Initiative, a resolution adopted by the county
29 commissioners of such county requesting that the applicant's
30 project be exempt from the local financial support
31 requirement.

1 13. Any additional information requested by the
2 office.

3 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
4 AGREEMENT.--

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

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

24 2. Upon receipt of a request under subparagraph 1.,
25 the director shall have 45 days to notify the requesting
26 qualified applicant, in writing, if its exemption has been
27 granted or denied. In determining if an exemption should be
28 granted, the director shall consider the extent to which
29 negative economic conditions in the requesting qualified
30 applicant's industry, the effects of a named hurricane or
31 tropical storm, or specific acts of terrorism affecting the

1 qualified applicant, have prevented the qualified applicant
2 from complying with the terms and conditions of its tax refund
3 agreement.

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

18 4. A qualified applicant may submit a request for an
19 economic-stimulus exemption to the office in lieu of any tax
20 refund claim scheduled to be submitted after January 1, 2005
21 ~~2001~~, but before July 1, 2006 ~~2003~~.

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

25 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
26 CONTRACTOR.--

27 (e) The total amount of tax refunds approved by the
28 director under this section in any fiscal year may not exceed
29 the amount authorized under s. 288.095(3) ~~appropriated to the~~
30 ~~Economic Development Trust Fund for such purposes for the~~
31 ~~fiscal year. If the Legislature does not appropriate an amount~~

1 ~~sufficient to satisfy projections by the office for tax~~
2 ~~refunds in a fiscal year, the director shall, not later than~~
3 ~~July 15 of such year, determine the proportion of each refund~~
4 ~~claim which shall be paid by dividing the amount appropriated~~
5 ~~for tax refunds for the fiscal year by the projected total~~
6 ~~amount of refund claims for the fiscal year. The amount of~~
7 ~~each claim for a tax refund shall be multiplied by the~~
8 ~~resulting quotient. If, after the payment of all such refund~~
9 ~~claims, funds remain in the Economic Development Trust Fund~~
10 ~~for tax refunds, the director shall recalculate the proportion~~
11 ~~for each refund claim and adjust the amount of each claim~~
12 ~~accordingly.~~

13 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the
14 office may approve a waiver of the local financial support
15 requirement for a business located in any of the following
16 counties in which businesses received emergency loans
17 administered by the office in response to the named hurricanes
18 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,
19 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
20 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach,
21 Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and
22 Walton. A waiver may be granted only if the office determines
23 that the local financial support cannot be provided or that
24 doing so would effect a demonstrable hardship on the unit of
25 local government providing the local financial support. If the
26 office grants a waiver of the local financial support
27 requirement, the state shall pay 100 percent of the refund due
28 to an eligible business. The waiver applies to tax refund
29 applications made for fiscal years 2004-2005, 2005-2006, and
30 2006-2007.

31

1 ~~(8)(7)~~ EXPIRATION.--An applicant may not be certified
2 as qualified under this section after June 30, 2010 ~~2005~~. A
3 tax refund agreement existing on that date shall continue in
4 effect in accordance with its terms.

5 Section 3. Paragraph (c) of subsection (2) and
6 paragraph (b) of subsection (4) of section 288.106, Florida
7 Statutes, are amended, present subsection (7) of that section
8 is redesignated as subsection (8) and amended, and a new
9 subsection (7) is added to that section, to read:

10 288.106 Tax refund program for qualified target
11 industry businesses.--

12 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

13 (c) After entering into a tax refund agreement under
14 subsection (4), a qualified target industry business may:

15 1. Receive refunds from the account for the following
16 taxes due and paid by that business beginning with the first
17 taxable year of the business which begins after entering into
18 the agreement:

19 a. Corporate income taxes under chapter 220.

20 b. Insurance premium tax under s. 624.509.

21 2. Receive refunds from the account for the following
22 taxes due and paid by that business after entering into the
23 agreement:

24 a. Taxes on sales, use, and other transactions under
25 chapter 212.

26 b. State communications services taxes administered
27 under chapter 202. This sub-subparagraph does not apply to the
28 gross receipts tax imposed under chapter 203 and administered
29 under chapter 202 or the local communications services tax
30 authorized under s. 202.19.

1 ~~c.b.~~ Intangible personal property taxes under chapter
2 199.

3 ~~d.e.~~ Emergency excise taxes under chapter 221.

4 ~~e.d.~~ Excise taxes on documents under chapter 201.

5 ~~f.e.~~ Ad valorem taxes paid, as defined in s.
6 220.03(1).

7
8 The addition of communications services taxes administered
9 under chapter 202 is remedial in nature and retroactive to
10 October 1, 2001. The office may make supplemental tax refund
11 payments to allow for tax refunds for communications services
12 taxes paid by an eligible qualified target industry business
13 after October 1, 2001.

14 (4) TAX REFUND AGREEMENT.--

15 (b) Compliance with the terms and conditions of the
16 agreement is a condition precedent for the receipt of a tax
17 refund each year. The failure to comply with the terms and
18 conditions of the tax refund agreement results in the loss of
19 eligibility for receipt of all tax refunds previously
20 authorized under this section and the revocation by the
21 director of the certification of the business entity as a
22 qualified target industry business, unless the business is
23 eligible to receive and elects to accept a prorated refund
24 under paragraph (5)(d) or the office grants the business an
25 economic-stimulus exemption.

26 1. A qualified target industry business may submit, in
27 writing, a request to the office for an economic-stimulus
28 exemption. The request must provide quantitative evidence
29 demonstrating how negative economic conditions in the
30 business's industry, the effects of a named hurricane or
31 tropical storm, or specific acts of terrorism affecting the

1 qualified target industry business, have prevented the
2 business from complying with the terms and conditions of its
3 tax refund agreement.

4 2. Upon receipt of a request under subparagraph 1.,
5 the director shall have 45 days to notify the requesting
6 business, in writing, if its exemption has been granted or
7 denied. In determining if an exemption should be granted, the
8 director shall consider the extent to which negative economic
9 conditions in the requesting business's industry, the effects
10 of a named hurricane or tropical storm, or specific acts of
11 terrorism affecting the qualified target industry business,
12 have prevented the business from complying with the terms and
13 conditions of its tax refund agreement.

14 3. As a condition for receiving a prorated refund
15 under paragraph (5)(d) or an economic-stimulus exemption under
16 this paragraph, a qualified target industry business must
17 agree to renegotiate its tax refund agreement with the office
18 to, at a minimum, ensure that the terms of the agreement
19 comply with current law and office procedures governing
20 application for and award of tax refunds. Upon approving the
21 award of a prorated refund or granting an economic-stimulus
22 exemption, the office shall renegotiate the tax refund
23 agreement with the business as required by this subparagraph.
24 When amending the agreement of a business receiving an
25 economic-stimulus exemption, the office may extend the
26 duration of the agreement for a period not to exceed 2 years +
27 ~~year~~.

28 4. A qualified target industry business may submit a
29 request for an economic-stimulus exemption to the office in
30 lieu of any tax refund claim scheduled to be submitted after
31 January 1, ~~2005~~ ~~2001~~, but before July 1, 2006 ~~June 30, 2004~~.

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

4 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the
5 office may approve a waiver of the local financial support
6 requirement for a business located in any of the following
7 counties in which businesses received emergency loans
8 administered by the office in response to the named hurricanes
9 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,
10 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
11 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach,
12 Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and
13 Walton. A waiver may be granted only if the office determines
14 that the local financial support cannot be provided or that
15 doing so would effect a demonstrable hardship on the unit of
16 local government providing the local financial support. If the
17 office grants a waiver of the local financial support
18 requirement, the state shall pay 100 percent of the refund due
19 to an eligible business. The waiver applies to tax refund
20 applications made for fiscal years 2004-2005, 2005-2006, and
21 2006-2007.

22 ~~(8)(7)~~ An applicant may not be certified as qualified
23 under this section after June 30, 2010. A tax refund agreement
24 existing on that date shall continue in effect in accordance
25 with its terms. EXPIRATION. This section expires June 30,
26 2005.

27 Section 4. The Office of Tourism, Trade, and Economic
28 Development shall attempt to amend existing tax refund
29 agreements created under section 288.106, Florida Statutes, to
30 require tax refund claims to be submitted by January 31 for
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1 the net new full-time equivalent Florida jobs as of December
2 31 of the preceding calendar year.

3 Section 5. This act shall take effect upon becoming a
4 law.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2216

9 Provides that the Office of Tourism, Trade and Economic
10 Development(OTTED) may waive the 20 percent local financial
11 support requirement for certain counties through fiscal years
12 2006-2007 in response to the named hurricanes of 2004 only if
13 OTTED determines that the local financial support cannot be
14 provided or that doing so would effect a demonstrable hardship
15 on the local government providing the support.

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