

FOR CONSIDERATION By the Committee on Commerce and Consumer Services

577-1133A-05

1 A bill to be entitled
2 An act relating to the Florida Enterprise Zone
3 Act; amending s. 290.001, F.S.; revising the
4 title of the act; amending s. 290.004, F.S.;
5 deleting obsolete definitions; amending s.
6 290.0055, F.S.; revising procedures for
7 counties or municipalities to nominate an area
8 for designation as a new enterprise zone;
9 deleting obsolete provisions; removing the
10 authority for certain counties to nominate more
11 than one enterprise zone; providing procedures
12 for changing an enterprise zone boundary;
13 amending s. 290.0056, F.S.; deleting the
14 requirement that a governing body pass an
15 ordinance to appoint the board of an enterprise
16 zone development agency; revising requirements
17 for making such appointments; deleting a
18 requirement that a certificate of appointment
19 of a board member be filed with the clerk of
20 the county or municipality; deleting the
21 requirement that an annual report by a board be
22 published and available for inspection;
23 providing additional responsibilities for an
24 enterprise zone development agency; amending s.
25 290.0057, F.S.; requiring that an application
26 for designation as a new enterprise zone
27 contain an enterprise zone development plan;
28 amending s. 290.0058, F.S.; updating obsolete
29 references; revising requirements for
30 determining poverty in an area nominated as a
31 rural enterprise zone; providing an exception;

1 amending s. 290.0065, F.S.; establishing the
2 maximum number of enterprise zones allowed,
3 subject to any new zones authorized by the
4 Legislature; revising the procedure for
5 designating a new enterprise zone, which
6 procedure is only available if an existing zone
7 is not redesignated; deleting a requirement
8 that an application for designation as an
9 enterprise zone be categorized by population;
10 deleting obsolete provisions; providing a
11 procedure for redesignating certain zones;
12 providing a procedure for review and approval
13 or denial of redesignation of an enterprise
14 zone which takes into consideration past zone
15 performance and the current need for enterprise
16 zone incentives; providing for an approval
17 procedure prohibiting an entity having
18 jurisdiction over an area denied redesignation
19 as an enterprise zone from reapplying for
20 redesignation for 1 year; providing a
21 redesignation procedure for zones authorized in
22 conjunction with certain federal acts;
23 providing requirements for an application for
24 redesignation; deleting obsolete provisions;
25 amending s. 290.0066, F.S.; providing that
26 failure to make progress or failure to comply
27 with measurable goals may be considered as
28 grounds for revocation of an enterprise zone
29 designation; amending s. 290.12, F.S. ;
30 providing a transition date that provides for a
31 zone having an effective date on or before

1 January 1, 2005, to continue to exist until
2 December 21, 2005, and to expire on that date;
3 requiring that any zone designated or
4 redesignated after January 1, 2006, do so in
5 accordance with the Florida Enterprise Zone
6 Act; amending s. 290.016, F.S.; delaying the
7 repeal of the the Florida Enterprise Zone Act;
8 amending ss. 166.231, 193.077, 193.085,
9 195.073, 196.012, 205.022, 205.054, and 212.02,
10 F.S.; extending an expiration date with respect
11 to various tax exemptions; conforming
12 provisions to changes made by the act; amending
13 s. 212.08, F.S.; revising the procedures for
14 applying for a tax exemption on building
15 materials used to rehabilitate property;
16 deleting a restriction on refund claims;
17 extending the expiration date in order to
18 conform to changes made by the act; lowering
19 the purchase threshold for an exemption for the
20 business property exemption from \$5,000 per
21 unit to \$500 per item; extending the expiration
22 date for the exemption; deleting obsolete
23 provisions governing the community contribution
24 tax credit for donations; extending the
25 expiration date of the tax credit allowed for
26 electrical energy used in an enterprise zone,
27 to conform; amending s. 212.096, F.S.; revising
28 the enterprise zone jobs tax credit against
29 sales tax to allow for a new hire, not just a
30 new job, to qualify for the credit; revising
31 the requirements to qualify as an eligible

1 business under the enterprise zone jobs tax
2 credit; deleting obsolete provisions;
3 redefining the term "jobs"; deleting a
4 definition; extending the expiration date for
5 the enterprise zone jobs tax credit, to
6 conform; amending ss. 220.02 and 220.03, F.S.;
7 extending the expiration date of the enterprise
8 zone jobs tax credit against corporate income
9 tax to conform to changes made by the act;
10 revising definitions; amending s. 220.181,
11 F.S.; revising the enterprise zone jobs tax
12 credit against corporate income tax to allow
13 for a new hire, not just a new job, to qualify
14 for the credit; revising requirements for
15 claiming the credit; extending the expiration
16 date of the tax credit, to conform; amending s.
17 220.182, F.S.; extending the expiration date of
18 the enterprise zone property tax credit;
19 amending s. 370.28, F.S.; requiring that an
20 enterprise zone in a community affected by net
21 limitations which is redesignated after January
22 1, 2006, do so in accordance with the Florida
23 Enterprise Zone Act; repealing ss. 290.00555,
24 290.0067, 290.00675, 290.00676, 290.00678,
25 290.00679, 290.0068, 290.00685, 290.00686,
26 290.00687, 290.00688, 290.00689, 290.0069,
27 290.00691, 290.00692, 290.00693, 290.00694,
28 290.00695, 290.00696, 290.00697, 290.00698,
29 290.00699, 290.00701, 290.00702, 290.00703,
30 290.00704, 290.00705, 290.00706, 290.00707,
31 290.00708, 290.00709, 290.009, and 290.015,

1 F.S., relating to the designation of a
2 satellite enterprise zone, an enterprise zone
3 in Lake Apopka, a boundary amendment for the
4 City of Brooksville in Hernando County, an
5 amendment of certain rural enterprise zone
6 boundaries, a designation of rural champion
7 communities as enterprise zones, amendments to
8 certain rural enterprise zone boundaries, the
9 designation of a brownfield as an enterprise
10 zone, an application to amend an enterprise
11 zone containing a brownfield, the designation
12 of enterprise zones in Brevard County and the
13 City of Cocoa, the designation of an enterprise
14 zone in Pensacola, the designation of an
15 enterprise zone in Leon County, the designation
16 of a pilot project in an enterprise zone, the
17 designation of an enterprise zone in Liberty
18 County, the designation of an enterprise zone
19 in Columbia County and Lake City, the
20 designation of an enterprise zone in Suwannee
21 County and Live Oak, the designation of an
22 enterprise zone in Gadsden County, the
23 designation of an enterprise zone in Sarasota
24 County and Sarasota, the designation of
25 enterprise zones in Hernando County and
26 Brooksville, the designation of an enterprise
27 zone in Holmes County, the designation of an
28 enterprise zone in Calhoun County, the
29 designation of an enterprise zone in Okaloosa
30 County, the designation of an enterprise zone
31 in Hillsborough County, the designation of an

1 enterprise zone in Escambia County, the
2 designation of enterprise zones in Osceola
3 County and the City of Cocoa, the designation
4 of an enterprise zone in South Daytona, the
5 designation of an enterprise zone in Lake
6 Wales, the designation of an enterprise zone in
7 Walton County, the designation of enterprise
8 zones in Miami-Dade County and the City of West
9 Miami, the designation of an enterprise zone in
10 Hialeah, a boundary amendment in an enterprise
11 zone within a consolidated government, a
12 boundary amendment in an enterprise zone within
13 an inland county, an enterprise zone
14 coordinating council, and an evaluation and
15 review of the enterprise zone program;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 290.001, Florida Statutes, is
21 amended to read:

22 290.001 Florida Enterprise Zone Act ~~of 1994~~; short
23 title.--Sections 290.001-290.016 may be cited as the "Florida
24 Enterprise Zone Act ~~of 1994~~."

25 Section 2. Section 290.004, Florida Statutes, is
26 amended to read:

27 290.004 Definitions relating to Florida Enterprise
28 Zone Act.--As used in ss. 290.001-290.016:

29 (1) "Community investment corporation" means a black
30 business investment corporation, a certified development
31 corporation, a small business investment corporation, or other

1 similar entity incorporated under Florida law that has limited
2 its investment policy to making investments solely in minority
3 business enterprises.

4 ~~(2)~~ "Department" means the Department of Commerce.

5 (2)~~(3)~~ "Director" means the director of the Office of
6 Tourism, Trade, and Economic Development.

7 (3)~~(4)~~ "Governing body" means the council or other
8 legislative body charged with governing the county or
9 municipality.

10 ~~(5)~~ "Interagency coordinating council" means the
11 Enterprise Zone Interagency Coordinating Council created
12 pursuant to s. 290.009.

13 (4)~~(6)~~ "Minority business enterprise" has the same
14 meaning as in s. 288.703.

15 (5)~~(7)~~ "Office" means the Office of Tourism, Trade,
16 and Economic Development.

17 (6)~~(8)~~ "Rural enterprise zone" means an enterprise
18 zone that is nominated by a county having a population of
19 75,000 or fewer, or a county having a population of 100,000 or
20 fewer which is contiguous to a county having a population of
21 75,000 or fewer, or by a municipality in such a county, or by
22 such a county and one or more municipalities. An enterprise
23 zone designated in accordance with s. 290.0065(5)(b) or s.
24 370.28 is considered to be a rural enterprise zone.

25 ~~(9)~~ "Secretary" means the Secretary of Commerce.

26 (7)~~(10)~~ "Small business" has the same meaning as in s.
27 288.703.

28 Section 3. Subsections (1), (3), (4), (6), and (7) of
29 section 290.0055, Florida Statutes, are amended to read:

30 290.0055 Local nominating procedure.--
31

1 (1) If, pursuant to s. 290.0065, an opening exists for
2 designation of a new enterprise zone, any county or
3 municipality, or a county and one or more municipalities
4 together, may apply to the office ~~department~~ for the
5 designation of an area as an enterprise zone after completion
6 of the following:

7 (a) The adoption by the governing body or bodies of a
8 resolution which:

9 1. Finds that an area exists in such county or
10 municipality, or in both the county and one or more
11 municipalities, which chronically exhibits extreme and
12 unacceptable levels of poverty, unemployment, physical
13 deterioration, and economic disinvestment;

14 2. Determines that the rehabilitation, conservation,
15 or redevelopment, or a combination thereof, of such area is
16 necessary in the interest of the public health, safety, and
17 welfare of the residents of such county or municipality, or
18 such county and one or more municipalities; and

19 3. Determines that the revitalization of such area can
20 occur only if the private sector can be induced to invest its
21 own resources in productive enterprises that build or rebuild
22 the economic viability of the area.

23 (b) The creation of an enterprise zone development
24 agency pursuant to s. 290.0056.

25 (c) The creation and adoption of a strategic plan
26 pursuant to s. 290.0057.

27 (3) A county or municipality, or a county and one or
28 more municipalities together, may not nominate more than one
29 enterprise zone. ~~However, any county as defined by s.~~
30 ~~125.011(1) may nominate more than one enterprise zone.~~
31

1 (4) An area nominated by a county or municipality, or
2 a county and one or more municipalities together, for
3 designation as an enterprise zone shall be eligible for
4 designation under s. 290.0065 only if it meets the following
5 criteria:

6 (a) The selected area does not exceed 20 square miles.
7 The selected area must have a continuous boundary, or consist
8 of not more than three noncontiguous parcels.

9 (b)1. The selected area does not exceed the following
10 mileage limitation:

11 2. For communities having a total population of
12 150,000 persons or more, the selected area shall not exceed 20
13 square miles.

14 3. For communities having a total population of 50,000
15 persons or more but less than 150,000 persons, the selected
16 area shall not exceed 10 square miles.

17 4. For communities having a total population of 20,000
18 persons or more but less than 50,000 persons, the selected
19 area shall not exceed 5 square miles.

20 5. For communities having a total population of 7,500
21 persons or more but less than 20,000 persons, the selected
22 area shall not exceed 3 square miles.

23 6. For communities having a total population of less
24 than 7,500 persons, the selected area shall not exceed 3
25 square miles.

26 ~~(c) The selected area does not include any portion of~~
27 ~~a central business district, as that term is used for purposes~~
28 ~~of the most recent Census of Retail Trade, unless the poverty~~
29 ~~rate for each census geographic block group in the district is~~
30 ~~not less than 30 percent. This paragraph does not apply to any~~
31

1 ~~area nominated in a county that has a population which is less~~
2 ~~than 50,000.~~

3 ~~(c)(d)~~ The selected area suffers from pervasive
4 poverty, unemployment, and general distress, as described and
5 measured pursuant to s. 290.0058.

6 (6)(a) The office ~~department~~ may approve a change in
7 the boundary of any enterprise zone which was designated
8 pursuant to s. 290.0065. A boundary change must continue on or
9 ~~before July 1, 1995, if such change is limited to a deletion~~
10 ~~of area from the enterprise zone and if, after the change is~~
11 ~~made, the enterprise zone continues~~ to satisfy the
12 requirements of subsections (3), (4), and (5).

13 (b) Upon a recommendation by the enterprise zone
14 development agency, the governing body of the jurisdiction
15 which authorized the application for an enterprise zone may
16 apply to the office for a change in boundary once every 3
17 years by adopting a resolution that:

18 1. States with particularity the reasons for the
19 change; and

20 2. Describes specifically and, to the extent required
21 by the office ~~department~~, the boundary change to be made.

22 ~~(c) All applications for boundary changes must be~~
23 ~~submitted to the department by April 1, 1997. Any boundary~~
24 ~~changes approved shall be effective July 1, 1997.~~

25 ~~(7) Before June 30, 1999, the governing body of any~~
26 ~~county operating under home rule charter adopted pursuant to~~
27 ~~s. 10, s. 11, or s. 24, Art. VIII of the State Constitution of~~
28 ~~1885, as preserved by s. 6(c), Art. VIII of the State~~
29 ~~Constitution of 1968, with a population of at least 2 million~~
30 ~~persons, may apply to the Office of Tourism, Trade, and~~
31 ~~Economic Development to amend the boundary lines of an~~

1 ~~enterprise zone within the county for the purpose of~~
2 ~~increasing by no more than 80 acres the noncontiguous area of~~
3 ~~the enterprise zone located closest to the path where the~~
4 ~~center of the August 24, 1992, storm known as Hurricane Andrew~~
5 ~~crossed land. The Office of Tourism, Trade, and Economic~~
6 ~~Development shall approve an application made pursuant to this~~
7 ~~subsection if it is consistent with the categories, criteria,~~
8 ~~and limitations imposed by this section upon the establishment~~
9 ~~of such enterprise zone.~~

10 Section 4. Subsections (2), (3), (5), (8), (11), and
11 (12) of section 290.0056, Florida Statutes, are amended to
12 read:

13 290.0056 Enterprise zone development agency.--

14 (2) When the governing body creates an enterprise zone
15 development agency, that body shall, ~~by ordinance,~~ appoint a
16 board of commissioners of the agency, which shall consist of
17 not fewer than 8 or more than 13 commissioners. The governing
18 body may ~~must~~ appoint at least one representative from each of
19 the following: the local chamber of commerce; local financial
20 or insurance entities; local ~~the~~ businesses and, where
21 possible, businesses operating within the nominated area; the
22 residents residing within the nominated area; nonprofit
23 community-based organizations operating within the nominated
24 area; the local private industry council; the local code
25 enforcement agency; and the local law enforcement agency. The
26 terms of office of the commissioners shall be for 4 years,
27 except that, in making the initial appointments, the governing
28 body shall appoint two members for terms of 3 years, two
29 members for terms of 2 years, and one member for a term of 1
30 year; the remaining initial members shall serve for terms of 4
31 years. A vacancy occurring during a term shall be filled for

1 the unexpired term. The importance of including individuals
2 from the nominated area shall be considered in making
3 appointments. Further, the importance of minority
4 representation on the agency shall be considered in making
5 appointments so that the agency generally reflects the gender
6 and ethnic composition of the community as a whole.

7 (3) A commissioner shall receive no compensation for
8 his or her services, but is entitled to the necessary
9 expenses, including travel expenses, incurred in the discharge
10 of his or her duties. Each commissioner shall hold office
11 until a successor has been appointed and has qualified. A
12 certificate of the appointment or reappointment of any
13 commissioner ~~shall be filed with the clerk of the county or~~
14 ~~municipality, and the certificate~~ is conclusive evidence of
15 the due and proper appointment of the commissioner.

16 (5) The governing body shall designate a chair and
17 vice chair from among the commissioners. An agency may employ
18 an executive director, technical experts, and such other
19 agents and employees, permanent and temporary, as it requires,
20 and determine their qualifications, duties, and compensation.
21 For such legal service as it requires, an agency may employ or
22 retain its own counsel and legal staff. An agency authorized
23 to transact business and exercise powers under this act shall
24 file with the governing body, on or before March 31 of each
25 year, a report of its activities for the preceding fiscal
26 year, which report shall include a complete financial
27 statement setting forth its assets, liabilities, income, and
28 operating expenses as of the end of such fiscal year. The
29 agency ~~At the time of filing the report, the agency shall make~~
30 the report ~~publish in a newspaper of general circulation in~~
31 ~~the community a notice to the effect that such report has been~~

1 ~~filed with the county or municipality and that the report is~~
2 available for inspection during business hours in the office
3 of the ~~clerk of the municipality or county and in the office~~
4 ~~of the~~ agency.

5 (8) The enterprise zone development agency shall have
6 the following powers and responsibilities:

7 (a) To assist in the development, ~~and~~ implementation,
8 and annual review and update of the strategic plan or
9 measurable goals.

10 (b) To oversee and monitor the implementation of the
11 strategic plan or measurable goals. The agency shall make
12 quarterly reports to the governing body of the municipality or
13 county, or the governing bodies of the county and one or more
14 municipalities, evaluating the progress in implementing the
15 strategic plan or measurable goals.

16 (c) To identify and recommend to the governing body of
17 the municipality or county, or the governing bodies of the
18 county and one or more municipalities, ways to remove
19 regulatory barriers.

20 (d) To identify to the local government or governments
21 the financial needs of, and local resources or assistance
22 available to, eligible businesses in the zone.

23 (e) To assist in promoting the enterprise zone
24 incentives to residents and businesses within the enterprise
25 zone.

26 (f) To recommend boundary changes, as appropriate, in
27 the enterprise zone to the governing body.

28 (g) To work with organizations affiliated with Florida
29 Agricultural and Mechanical University, the University of
30 Florida, and the University of South Florida, unofficially
31 named the "University Partnership for Community Development,"

1 or similar organizations that have combined their resources to
2 provide development consulting on a nonprofit basis.

3 (h) To work with Enterprise Florida, Inc., and the
4 office, to ensure that the enterprise zone coordinator
5 receives training on annual basis.

6 (11) Prior to December 1 of each year, the agency
7 shall submit to the Office of Tourism, Trade, and Economic
8 Development a complete and detailed written report setting
9 forth:

10 (a) Its operations and accomplishments during the
11 fiscal year.

12 (b) The accomplishments and progress concerning the
13 implementation of the strategic plan or measurable goals, and
14 any updates to the strategic plan or measurable goals.

15 (c) The number and type of businesses assisted by the
16 agency during the fiscal year.

17 (d) The number of jobs created within the enterprise
18 zone during the fiscal year.

19 (e) The usage and revenue impact of state and local
20 incentives granted during the calendar year.

21 (f) Any other information required by the office.

22 (12) In the event that the nominated area selected by
23 the governing body is not designated a state enterprise zone,
24 the governing body may dissolve the agency after receiving
25 notification from the ~~department or the~~ office that the area
26 was not designated as an enterprise zone.

27 Section 5. Subsection (1) of section 290.0057, Florida
28 Statutes, is amended to read:

29 290.0057 Enterprise zone development plan.--

30 (1) Any ~~Each~~ application for designation as a new ~~an~~
31 enterprise zone must be accompanied by a strategic plan

1 adopted by the governing body of the municipality or county,
2 or the governing bodies of the county and one or more
3 municipalities together. At a minimum, the plan must:

4 (a) Briefly describe the community's goals for
5 revitalizing the area.

6 (b) Describe the ways in which the community's
7 approaches to economic development, social and human services,
8 transportation, housing, community development, public safety,
9 and educational and environmental concerns will be addressed
10 in a coordinated fashion, and explain how these linkages
11 support the community's goals.

12 (c) Identify and describe key community goals and the
13 barriers that restrict the community from achieving these
14 goals, including a description of poverty and general
15 distress, barriers to economic opportunity and development,
16 and barriers to human development.

17 (d) Describe the process by which the affected
18 community is a full partner in the process of developing and
19 implementing the plan and the extent to which local
20 institutions and organizations have contributed to the
21 planning process.

22 (e) Commit the governing body or bodies to enact and
23 maintain local fiscal and regulatory incentives, if approval
24 for the area is received under s. 290.0065. These incentives
25 may include the municipal public service tax exemption
26 provided by s. 166.231, the economic development ad valorem
27 tax exemption provided by s. 196.1995, the occupational
28 license tax exemption provided by s. 205.054, local impact fee
29 abatement or reduction, or low-interest or interest-free loans
30 or grants to businesses to encourage the revitalization of the
31 nominated area.

1 (f) Identify the amount of local and private resources
2 that will be available in the nominated area and the
3 private/public partnerships to be used, which may include
4 participation by, and cooperation with, universities,
5 community colleges, small business development centers, black
6 business investment corporations, certified development
7 corporations, and other private and public entities.

8 (g) Indicate how state enterprise zone tax incentives
9 and state, local, and federal resources will be utilized
10 within the nominated area.

11 (h) Identify the funding requested under any state or
12 federal program in support of the proposed economic, human,
13 community, and physical development and related activities.

14 (i) Identify baselines, methods, and benchmarks for
15 measuring the success of carrying out the strategic plan.

16 Section 6. Subsections (1), (2), and (5) of section
17 290.0058, Florida Statutes, are amended to read:

18 290.0058 Determination of pervasive poverty,
19 unemployment, and general distress.--

20 (1) In determining whether an area suffers from
21 pervasive poverty, unemployment, and general distress, for
22 purposes of ss. 290.0055 and 290.0065, the governing body and
23 the office ~~department~~ shall use data from the most current
24 decennial census, and from information published by the Bureau
25 of the Census and the Bureau of Labor Statistics. The data
26 shall be comparable in point or period of time and methodology
27 employed.

28 (2) Pervasive poverty shall be evidenced by a showing
29 that poverty is widespread throughout the nominated area. The
30 poverty rate of the nominated area shall be established using
31 the following criteria:

1 (a) In each census geographic block group within a
2 nominated area, the poverty rate ~~may shall be~~ not be less than
3 20 percent. However, for an area nominated for designation as
4 a rural enterprise zone which does not have a poverty rate of
5 more than 20 percent in each census geographic block group
6 within the nominated area, the poverty rate for the nominated
7 area may be calculated using the poverty rate for the entire
8 county, which may not be less than 20 percent.

9 (b) In at least 50 percent of the census geographic
10 block groups within the nominated area, the poverty rate ~~may~~
11 ~~shall~~ not be less than 30 percent. This requirement does not
12 apply to an area nominated for designation as a rural
13 enterprise zone.

14 (c) Census geographic block groups with no population
15 shall be treated as having a poverty rate which meets the
16 standards of paragraph (a), but shall be treated as having a
17 zero poverty rate for purposes of applying paragraph (b).

18 (d) A nominated area may not contain a noncontiguous
19 parcel unless such parcel separately meets the criteria set
20 forth under paragraphs (a) and (b).

21 (5) In making the calculations required by this
22 section, the local government and the ~~office department~~ shall
23 round all fractional percentages of one-half percent or more
24 up to the next highest whole percentage figure.

25 Section 7. Section 290.0065, Florida Statutes, is
26 amended to read:

27 290.0065 State designation of enterprise zones.--

28 (1) The maximum number of zones authorized under this
29 section is the number of zones having an effective date on or
30 before January 1, 2005, subject to revision upward due to any
31 new zones authorized by the 2005-2006 Legislature. ~~Upon~~

1 ~~application of the governing body of a county or municipality~~
2 ~~or of a county and one or more municipalities jointly pursuant~~
3 ~~to s. 290.0055, Enterprise Florida, Inc., and the office, in~~
4 ~~consultation with the interagency coordinating council, shall~~
5 ~~determine which areas nominated by such governing bodies meet~~
6 ~~the criteria outlined in s. 290.0055 and are the most~~
7 ~~appropriate for designation as state enterprise zones. The~~
8 ~~office is authorized to designate up to five areas within each~~
9 ~~of the categories established in subparagraphs (3)(a)1., 2.,~~
10 ~~3., 4., and 5., except that the office may only designate a~~
11 ~~total of 20 areas as enterprise zones. The office shall not~~
12 ~~designate more than three enterprise zones in any one county.~~
13 ~~All designations, including any provision for redesignations,~~
14 ~~of state enterprise zones pursuant to this section shall be~~
15 ~~effective July 1, 1995.~~

16 (2) If, pursuant to subsection (4), the office does
17 not redesignate an enterprise zone, a governing body of a
18 county or municipality or of a county and one or more
19 municipalities jointly, pursuant to s. 290.0055, may apply to
20 fill the opening and request designation of an enterprise
21 zone. The office in consultation with Enterprise Florida,
22 Inc., shall determine which areas nominated by such governing
23 bodies meet the criteria outlined in s. 290.0055 and are the
24 most appropriate for designation as state enterprise zones.
25 Each application made pursuant to s. 290.0055 shall be ranked
26 competitively ~~within the appropriate category established~~
27 ~~pursuant to subsection (3)~~ based on the pervasive poverty,
28 unemployment, and general distress of the area; the strategic
29 plan, including local fiscal and regulatory incentives,
30 prepared pursuant to s. 290.0057; and the prospects for new
31 investment and economic development in the area. Pervasive

1 poverty, unemployment, and general distress shall be weighted
2 35 percent; strategic plan and local fiscal and regulatory
3 incentives shall be weighted 40 percent; and prospects for new
4 investment and economic development in the area shall be
5 weighted 25 percent.

6 ~~(3)(a) Each area designated as an enterprise zone~~
7 ~~pursuant to this section shall be placed in one of the~~
8 ~~following categories based on the 1990 census:~~

9 ~~1. Communities consisting of census tracts in areas~~
10 ~~having a total population of 150,000 persons or more.~~

11 ~~2. Communities consisting of census tracts in areas~~
12 ~~having a total population of 50,000 persons or more but less~~
13 ~~than 150,000 persons.~~

14 ~~3. Communities having a population of 20,000 persons~~
15 ~~or more but less than 50,000 persons.~~

16 ~~4. Communities having a population of 7,500 persons or~~
17 ~~more but less than 20,000 persons.~~

18 ~~5. Communities having a population of less than 7,500~~
19 ~~persons.~~

20 ~~(b)~~ Any area authorized to be an enterprise zone by
21 both a county and a municipality shall be placed in the
22 appropriate category established under s. 290.0055(4)(b)
23 ~~paragraph (a)~~ in which an application by the municipality
24 would have been considered if the municipality had acted
25 alone, if at least 60 percent of the population of the area
26 authorized to be an enterprise zone resides within the
27 municipality. ~~An area authorized to be an enterprise zone by a~~
28 ~~county and one or more municipalities shall be placed in the~~
29 ~~category in which an application by the municipality with the~~
30 ~~highest percentage of residents in such area would have been~~
31 ~~considered if such municipality had authorized the area to be~~

1 ~~an enterprise zone. An area authorized to be an enterprise~~
2 ~~zone by a county as defined by s. 125.011(1) shall be placed~~
3 ~~in the category in which an application by the municipality in~~
4 ~~which the area is located would have been considered if the~~
5 ~~municipality had authorized such area to be an enterprise~~
6 ~~zone. An area authorized to be an enterprise zone by a county~~
7 ~~as defined by s. 125.011(1) which area is located in two or~~
8 ~~more municipalities shall be placed in the category in which~~
9 ~~an application by the municipality with the highest percentage~~
10 ~~of residents in such area would have been considered if such~~
11 ~~municipality had authorized such area to be an enterprise~~
12 ~~zone.~~

13 (4)(a) Notwithstanding s. 290.0055, the office may
14 redesignate any area existing as a state enterprise zone
15 having an effective date on or before January 1, 2005, as of
16 the effective date of this section and originally approved
17 through a joint application from a county and municipality, or
18 through an application from a county as defined in s.
19 125.011(1), shall be redesignated as a state enterprise zone
20 upon completion and submittal to the office by the governing
21 body for an enterprise zone of the following:

22 1. An updated zone profile for the enterprise zone
23 based on the most recent census data;

24 2. A resolution passed by the governing body for that
25 enterprise zone requesting redesignation and explaining why
26 the conditions of the zone merit redesignation; and

27 3. Measurable goals for the enterprise zone developed
28 by the enterprise zone development agency, which may be the
29 goals established in the enterprise zone's strategic plan. the
30 creation of an enterprise zone development agency pursuant to
31 s. 290.0056 and the completion of a strategic plan pursuant to

1 ~~s. 290.0057. Any area redesignated pursuant to this~~
2 ~~subsection, other than an area located in a county defined in~~
3 ~~s. 125.011(1), may be relocated or modified by the appropriate~~
4 ~~governmental bodies. Such relocation or modification shall be~~
5 ~~identified in the strategic plan and shall meet the~~
6 ~~requirements for designation as established by former s.~~
7 ~~290.005. Any relocation or modification shall be submitted on~~
8 ~~or before June 1, 1996.~~

9
10 The governing body may also submit a request for a boundary
11 change in an enterprise zone in the same application to the
12 office as long as the new area complies with the requirements
13 of s. 290.0055.

14 (b) In consultation with Enterprise Florida, Inc., the
15 office shall, based on the zone profile and the grounds for
16 redesignation expressed in the resolution, determine whether
17 the enterprise zone merits redesignation. The office may also
18 examine and consider the following:

19 1. Progress made, if any, in the enterprise zone's
20 strategic plan;

21 2. Use of enterprise zone incentives during the life
22 of the enterprise zone.

23
24 If the office determines that the enterprise zone merits
25 redesignation, the office shall notify the governing body in
26 writing of its approval of redesignation.

27 (c) If the zone is redesignated, the office shall
28 determine if the measurable goals submitted are reasonable. If
29 the office determines that the goals are reasonable, the
30 office shall notify the governing body in writing that the
31 goals have been approved. The office shall place any area

1 ~~designated as a state enterprise zone pursuant to this~~
2 ~~subsection in the appropriate category established in~~
3 ~~subsection (3), and include such designations within the~~
4 ~~limitations on state enterprise zone designations set out in~~
5 ~~subsection (1).~~

6 (d)(e) If the office denies redesignation of an
7 enterprise zone, the office shall notify the governing body in
8 writing of the denial. Any county or municipality having
9 jurisdiction over an area denied redesignation ~~designated~~ as a
10 state enterprise zone pursuant to this subsection, ~~other than~~
11 ~~a county defined by s. 125.011(1),~~ may not apply for
12 designation of that another area for 1 year following the date
13 of denial.

14 (5) Notwithstanding s. 290.0055, an area designated as
15 a federal empowerment zone or enterprise community pursuant to
16 Title XIII of the Omnibus Budget Reconciliation Act of 1993,
17 the Taxpayer Relief Act of 1997, or the 1999 Agricultural
18 Appropriations Act shall be designated a state enterprise zone
19 as follows:

20 (a) An area designated as an urban empowerment zone or
21 urban enterprise community pursuant to Title XIII of the
22 Omnibus Budget Reconciliation Act of 1993 or the Taxpayer
23 Relief Act of 1997 shall be redesignated ~~designated~~ a state
24 enterprise zone by the office upon completion of the
25 requirements set out in paragraph (d), except in the case of a
26 county as defined in s. 125.011(1) which, notwithstanding s.
27 290.0055, may incorporate and include such designated urban
28 empowerment zone or urban enterprise community areas within
29 the boundaries of its state enterprise zones without any
30 limitation as to size.

31

1 (b) An area designated as a rural empowerment zone or
2 rural enterprise community pursuant to Title XIII of the
3 Omnibus Budget Reconciliation Act of 1993 or the 1999
4 Agricultural Appropriations Act shall be redesignated
5 ~~designated~~ a state rural enterprise zone by the office upon
6 completion of the requirements set out in paragraph (d) and
7 may incorporate and include such designated rural empowerment
8 zone or rural enterprise community within the boundaries of
9 its state enterprise zones without any limitation as to size.

10 (c) Any county or municipality having jurisdiction
11 over an area redesignated ~~designated~~ as a state enterprise
12 zone pursuant to this subsection, other than a county defined
13 in s. 125.011(1), may not apply for designation of another
14 area.

15 (d) Prior to redesignating ~~designating~~ such areas as
16 state enterprise zones, the office shall ensure that the
17 governing body having jurisdiction over the zone submits the
18 information required under paragraph (4)(a) for redesignation
19 ~~strategic plan required pursuant to 7 C.F.R. part 25 or 24~~
20 ~~C.F.R. part 597 to the office, and creates an enterprise zone~~
21 ~~development agency pursuant to s. 290.0056.~~

22 ~~(e) The office shall place any area designated as a~~
23 ~~state enterprise zone pursuant to this subsection in the~~
24 ~~appropriate category established in subsection (3), and~~
25 ~~include such designations within the limitations on state~~
26 ~~enterprise zone designations set out in subsection (1).~~

27 (6)(a) The office, in consultation with Enterprise
28 Florida, Inc., ~~and the interagency coordinating council,~~ may
29 develop guidelines necessary for the approval of areas under
30 this section by the director.

31

1 (b) Such guidelines shall provide for the measurement
2 of pervasive poverty, unemployment, and general distress using
3 the criteria outlined by s. 290.0058.

4 (c) Such guidelines shall provide for the evaluation
5 of the strategic plan or measurable goals and local fiscal and
6 regulatory incentives for effectiveness, including how the
7 following key principles will be implemented by the governing
8 body or bodies:

9 1. Economic opportunity, including job creation within
10 the community and throughout the region, as well as
11 entrepreneurial initiatives, small business expansion, and
12 training for jobs that offer upward mobility.

13 2. Sustainable community development that advances the
14 creation of livable and vibrant communities through
15 comprehensive approaches that coordinate economic, physical,
16 community, and human development.

17 3. Community-based partnerships involving the
18 participation of all segments of the community.

19 4. Strategic vision for change that identifies how the
20 community will be revitalized. This vision should include
21 methods for building on community assets and coordinate a
22 response to community needs in a comprehensive fashion. This
23 vision should provide goals and performance benchmarks for
24 measuring progress and establish a framework for evaluating
25 and adjusting the strategic plan or measurable goals.

26 5. Local fiscal and regulatory incentives enacted
27 pursuant to s. 290.0057(1)(e). These incentives should induce
28 economic revitalization, including job creation and small
29 business expansion.

30 (d) Such guidelines may provide methods for evaluating
31 the prospects for new investment and economic development in

1 the area, including a review and evaluation of any previous
2 state enterprise zones located in the area.

3 (7) Upon approval by the director of a resolution
4 authorizing an area to be an enterprise zone pursuant to this
5 section, the office shall assign a unique identifying number
6 to that resolution. The office shall provide the Department of
7 Revenue and Enterprise Florida, Inc., with a copy of each
8 resolution approved, together with its identifying number.

9 ~~(8)(a) Notwithstanding s. 290.0055, any area existing~~
10 ~~as a state enterprise zone as of December 30, 1994, which has~~
11 ~~received at least \$1 million in state community development~~
12 ~~funds and at least \$500,000 in federal community development~~
13 ~~funds, which has less than 300 businesses located within the~~
14 ~~boundaries of the enterprise zone, and which has been~~
15 ~~designated by the United States Department of Agriculture as a~~
16 ~~"Champion Community" shall be redesignated as a state~~
17 ~~enterprise zone upon the creation of an enterprise zone~~
18 ~~development agency pursuant to s. 290.0056 and the completion~~
19 ~~of a strategic plan pursuant to s. 290.0057.~~

20 ~~(b) Such designation shall be in addition to the~~
21 ~~limitations of state enterprise zone designation set out in~~
22 ~~subsection (1).~~

23 ~~(9)(a) Before December 31, 2002, the governing body of~~
24 ~~a county in which an enterprise zone designated pursuant to~~
25 ~~paragraph (5)(b) is located may apply to the Office of~~
26 ~~Tourism, Trade, and Economic Development to amend the~~
27 ~~boundaries of the enterprise zone for the purpose of replacing~~
28 ~~areas not suitable for development.~~

29 ~~(b) Before December 31, 2002, the governing body of a~~
30 ~~county in which an enterprise zone designated pursuant to~~
31 ~~subparagraph (3)(a)2. is located may apply to the Office of~~

1 ~~Tourism, Trade, and Economic Development to amend the~~
2 ~~boundaries of the enterprise zone for the purpose of replacing~~
3 ~~areas not suitable for development.~~

4
5 ~~The Office of Tourism, Trade, and Economic Development shall~~
6 ~~approve the application if it does not increase the overall~~
7 ~~size of the enterprise zone. Except that upon the request of~~
8 ~~the governing body of a home rule charter county, or any~~
9 ~~county the government of which has been consolidated with the~~
10 ~~government of one or more municipalities in accordance with s.~~
11 ~~9, Art. VIII of the State Constitution of 1885, as preserved~~
12 ~~by s. 6(c), Art. VIII of the State Constitution as revised in~~
13 ~~1968 and subsequently amended, the Office of Tourism, Trade,~~
14 ~~and Economic Development may amend the boundaries of an area~~
15 ~~designated as an enterprise zone upon the receipt of a~~
16 ~~resolution adopted by such governing body describing the~~
17 ~~amended boundaries, so long as the added area does not~~
18 ~~increase the overall size of the expanded zone more than its~~
19 ~~original size or 20 square miles, whichever is larger, and is~~
20 ~~consistent with the categories, criteria, and limitations~~
21 ~~imposed by s. 290.0055.~~

22 ~~(10) Before December 31, 1999, any county as defined~~
23 ~~in s. 125.011(1) may create a satellite enterprise zone not~~
24 ~~exceeding 3 square miles in area outside of and,~~
25 ~~notwithstanding anything contained in s. 290.0055(4) or~~
26 ~~elsewhere, in addition to the previously designated 20 square~~
27 ~~miles of enterprise zones. The Office of Tourism, Trade, and~~
28 ~~Economic Development shall amend the boundaries of the areas~~
29 ~~previously designated by any such county as enterprise zones~~
30 ~~upon the receipt of a resolution adopted by such governing~~
31 ~~body describing the satellite enterprise zone, as long as the~~

1 ~~additional area is consistent with the categories, criteria,~~
2 ~~and limitations imposed by s. 290.0055, provided that the~~
3 ~~20 square mile limitation and the requirements imposed by s.~~
4 ~~290.0055(4)(d) do not apply to such satellite enterprise zone.~~

5 ~~(11) Before December 31, 2004, the governing body or~~
6 ~~governing bodies of a county or a municipality in a county~~
7 ~~having a population of more than 235,000 but less than 260,000~~
8 ~~and in which an enterprise zone is designated may apply to the~~
9 ~~Office of Tourism, Trade, and Economic Development to change~~
10 ~~the boundaries of the enterprise zone for the purpose of~~
11 ~~replacing areas not suitable for development. The Office of~~
12 ~~Tourism, Trade, and Economic Development shall approve the~~
13 ~~application made pursuant to this subsection if the boundary~~
14 ~~change is consistent with the categories, criteria, and~~
15 ~~limitations imposed upon the establishment of such enterprise~~
16 ~~zone.~~

17 ~~(12) Notwithstanding any provisions in s. 290.0055~~
18 ~~regarding the size of an enterprise zone, any county defined~~
19 ~~by s. 125.011(1) may apply to the Office of Tourism, Trade,~~
20 ~~and Economic Development by October 1, 2004, to expand the~~
21 ~~boundary of an existing enterprise zone to include an~~
22 ~~additional 8.7 square miles. The area must also include areas~~
23 ~~to the north or east of the northeasternmost section of an~~
24 ~~existing enterprise zone. The expanded area may not include~~
25 ~~any area not described in this subsection. The Office of~~
26 ~~Tourism, Trade, and Economic Development shall approve an~~
27 ~~amendment to the boundary of an enterprise zone under this~~
28 ~~subsection by January 1, 2005, if the area proposed for~~
29 ~~addition to the enterprise zone is consistent with the~~
30 ~~criteria and conditions imposed by s. 290.0055 upon the~~
31 ~~establishment of enterprise zones, including the requirement~~

1 ~~that the area suffer from pervasive poverty, unemployment, and~~
2 ~~general distress.~~

3 ~~(13) Before November 30, 2004, any county as defined~~
4 ~~in s. 125.011 may apply to the Office of Tourism, Trade, and~~
5 ~~Economic Development to change the boundaries of an existing~~
6 ~~enterprise zone for the purpose of replacing an area of not~~
7 ~~more than 75 acres within the enterprise zone as of January 1,~~
8 ~~2004, with an area of the same number of acres outside the~~
9 ~~enterprise zone as of January 1, 2004. The replacement area~~
10 ~~must be contiguous to the existing enterprise zone and must be~~
11 ~~a part of a revitalization area that has been targeted for~~
12 ~~assistance by the county. The replacement area also must be~~
13 ~~contiguous to a zoo, and the county must have previously~~
14 ~~completed a master plan for development of the area. The~~
15 ~~Office of Tourism, Trade, and Economic Development shall~~
16 ~~approve the amendment effective January 1, 2005, if the~~
17 ~~enterprise zone remains consistent with the criteria and~~
18 ~~conditions imposed by s. 290.0055 upon the establishment of~~
19 ~~enterprise zones, including the requirement that the area~~
20 ~~suffer from pervasive poverty, unemployment, and general~~
21 ~~distress.~~

22 Section 8. Subsection (1) of section 290.0066, Florida
23 Statutes, is amended to read:

24 290.0066 Revocation of enterprise zone designation.--

25 (1) The director may revoke the designation of an
26 enterprise zone if the director determines that the governing
27 body or bodies:

28 (a) Have failed to make progress in achieving the
29 benchmarks set forth in the strategic plan or measurable
30 goals; or

1 (b) Have not complied substantially with the strategic
2 plan or measurable goals.

3 Section 9. Section 290.12, Florida Statutes, is
4 amended to read:

5 290.012 Transition.--Any enterprise zone having an
6 effective date on or before January 1, 2005, continues in
7 ~~existence on the effective date of this section shall continue~~
8 to exist until December 31, 2005 ~~1994~~, and ceases ~~shall cease~~
9 to exist on that date. Any enterprise zone designated or
10 redesignated on or after January 1, 2006 ~~1995~~, must do so be
11 ~~created~~ in accordance with the Florida Enterprise Zone Act ~~of~~
12 ~~1994. Any such designation shall not be effective until July~~
13 ~~1, 1995.~~

14 Section 10. Section 290.016, Florida Statutes, is
15 amended to read:

16 290.016 Repeal.--Sections 290.001-290.014 are
17 ~~290.001-290.015 shall stand~~ repealed on December 31, 2015
18 ~~2005~~.

19 Section 11. Paragraph (c) of subsection (8) of section
20 166.231, Florida Statutes, is amended to read:

21 166.231 Municipalities; public service tax.--

22 (8)

23 (c) This subsection expires ~~shall expire and be void~~
24 on the date specified for the expiration of the Florida
25 Enterprise Zone Act in s. 290.016 ~~December 31, 2005~~, except
26 that any qualified business that ~~which~~ has satisfied the
27 requirements of this subsection before that date ~~prior to~~
28 ~~December 31, 2005~~, shall be allowed the full benefit of the
29 exemption allowed under this subsection as if this subsection
30 had not expired on that date ~~December 31, 2005~~.

1 Section 12. Subsection (4) of section 193.077, Florida
2 Statutes, is amended to read:

3 193.077 Notice of new, rebuilt, or expanded
4 property.--

5 (4) ~~The provisions of This section expires shall~~
6 ~~expire and be void on the date specified for the expiration of~~
7 ~~the Florida Enterprise Zone Act in s. 290.016 June 30, 2005.~~

8 Section 13. Paragraph (b) of subsection (5) of section
9 193.085, Florida Statutes, is amended to read:

10 193.085 Listing all property.--

11 (5)

12 (b) ~~The provisions of This subsection expires shall~~
13 ~~expire and be void on the date specified for the expiration of~~
14 ~~the Florida Enterprise Zone Act in s. 290.016 June 30, 2005.~~

15 Section 14. Paragraph (b) of subsection (4) of section
16 195.073, Florida Statutes, is amended to read:

17 195.073 Classification of property.--All items
18 required by law to be on the assessment rolls must receive a
19 classification based upon the use of the property. The
20 department shall promulgate uniform definitions for all
21 classifications. The department may designate other
22 subclassifications of property. No assessment roll may be
23 approved by the department which does not show proper
24 classifications.

25 (4)

26 (b) ~~The provisions of This subsection expires shall~~
27 ~~expire and be void on the date specified for the expiration of~~
28 ~~the Florida Enterprise Zone Act in s. 290.016 June 30, 2005.~~

29 Section 15. Subsection (19) of section 196.012,
30 Florida Statutes, is amended to read:

31

1 196.012 Definitions.--For the purpose of this chapter,
2 the following terms are defined as follows, except where the
3 context clearly indicates otherwise:

4 (19) "Enterprise zone" means an area designated as an
5 enterprise zone pursuant to s. 290.0065. This subsection
6 ~~expires shall stand repealed~~ on the date specified for the
7 expiration of the Florida Enterprise Zone Act in s. 290.016
8 ~~December 31, 2005.~~

9 Section 16. Subsection (7) of section 205.022, Florida
10 Statutes, is amended to read:

11 205.022 Definitions.--When used in this chapter, the
12 following terms and phrases shall have the meanings ascribed
13 to them in this section, except when the context clearly
14 indicates a different meaning:

15 (7) "Enterprise zone" means an area designated as an
16 enterprise zone pursuant to s. 290.0065. This subsection
17 ~~expires shall stand repealed~~ on the date specified for the
18 expiration of the Florida Enterprise Zone Act in s. 290.016
19 ~~December 31, 2005.~~

20 Section 17. Subsection (6) of section 205.054, Florida
21 Statutes, is amended to read:

22 205.054 Occupational license tax; partial exemption
23 for engaging in business or occupation in enterprise zone.--

24 (6) This section ~~expires shall stand repealed~~ on the
25 date specified for the expiration of the Florida Enterprise
26 Zone Act in s. 290.016 ~~December 31, 2005~~; and no license shall
27 be issued with the exemption authorized in this section for
28 any period beginning on or after that date ~~January 1, 2006~~.

29 Section 18. Subsection (6) of section 212.02, Florida
30 Statutes, is amended to read:

31

1 212.02 Definitions.--The following terms and phrases
2 when used in this chapter have the meanings ascribed to them
3 in this section, except where the context clearly indicates a
4 different meaning:

5 (6) "Enterprise zone" means an area of the state
6 designated pursuant to s. 290.0065. This subsection expires
7 ~~shall expire and be void on the date specified for the~~
8 expiration of the Florida Enterprise Zone Act in s. 290.016
9 ~~December 31, 2005.~~

10 Section 19. Paragraphs (g), (h), and (q) of subsection
11 (5) and paragraph (g) of subsection (15) of section 212.08,
12 Florida Statutes, are amended to read:

13 212.08 Sales, rental, use, consumption, distribution,
14 and storage tax; specified exemptions.--The sale at retail,
15 the rental, the use, the consumption, the distribution, and
16 the storage to be used or consumed in this state of the
17 following are hereby specifically exempt from the tax imposed
18 by this chapter.

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

20 (g) Building materials used in the rehabilitation of
21 real property located in an enterprise zone.--

22 1. Building materials used in the rehabilitation of
23 real property located in an enterprise zone shall be exempt
24 from the tax imposed by this chapter upon an affirmative
25 showing to the satisfaction of the department that the items
26 have been used for the rehabilitation of real property located
27 in an enterprise zone. Except as provided in subparagraph 2.,
28 this exemption inures to the owner, lessee, or lessor of the
29 rehabilitated real property located in an enterprise zone only
30 through a refund of previously paid taxes. To receive a refund
31 pursuant to this paragraph, the owner, lessee, or lessor of

1 the rehabilitated real property located in an enterprise zone
2 must file an application under oath with the governing body or
3 enterprise zone development agency having jurisdiction over
4 the enterprise zone where the business is located, as
5 applicable, which includes:

6 a. The name and address of the person claiming the
7 refund.

8 b. An address and assessment roll parcel number of the
9 rehabilitated real property in an enterprise zone for which a
10 refund of previously paid taxes is being sought.

11 c. A description of the improvements made to
12 accomplish the rehabilitation of the real property.

13 d. A copy of the building permit issued for the
14 rehabilitation of the real property.

15 e. A sworn statement, under the penalty of perjury,
16 from the general contractor licensed in this state with whom
17 the applicant contracted to make the improvements necessary to
18 accomplish the rehabilitation of the real property, which
19 statement lists the building materials used in the
20 rehabilitation of the real property, the actual cost of the
21 building materials, and the amount of sales tax paid in this
22 state on the building materials. In the event that a general
23 contractor has not been used, the applicant shall provide this
24 information in a sworn statement, under the penalty of
25 perjury. Copies of the invoices which evidence the purchase of
26 the building materials used in such rehabilitation and the
27 payment of sales tax on the building materials shall be
28 attached to the sworn statement provided by the general
29 contractor or by the applicant. Unless the actual cost of
30 building materials used in the rehabilitation of real property
31 and the payment of sales taxes due thereon is documented by a

1 | general contractor or by the applicant in this manner, the
2 | cost of such building materials shall be an amount equal to 40
3 | percent of the increase in assessed value for ad valorem tax
4 | purposes.

5 | f. The identifying number assigned pursuant to s.
6 | 290.0065 to the enterprise zone in which the rehabilitated
7 | real property is located.

8 | g. A certification by the local building code
9 | inspector that the improvements necessary to accomplish the
10 | rehabilitation of the real property are substantially
11 | completed.

12 | h. Whether the business is a small business as defined
13 | by s. 288.703(1).

14 | i. If applicable, the name and address of each
15 | permanent employee of the business, including, for each
16 | employee who is a resident of an enterprise zone, the
17 | identifying number assigned pursuant to s. 290.0065 to the
18 | enterprise zone in which the employee resides.

19 | 2. This exemption inures to a city, county, other
20 | governmental agency, or nonprofit community-based organization
21 | through a refund of previously paid taxes if the building
22 | materials used in the rehabilitation of real property located
23 | in an enterprise zone are paid for from the funds of a
24 | community development block grant, State Housing Initiatives
25 | Partnership Program, or similar grant or loan program. To
26 | receive a refund pursuant to this paragraph, a city, county,
27 | other governmental agency, or nonprofit community-based
28 | organization must file an application which includes the same
29 | information required to be provided in subparagraph 1. by an
30 | owner, lessee, or lessor of rehabilitated real property. In
31 | addition, the application must include a sworn statement

1 signed by the chief executive officer of the city, county,
2 other governmental agency, or nonprofit community-based
3 organization seeking a refund which states that the building
4 materials for which a refund is sought were paid for from the
5 funds of a community development block grant, State Housing
6 Initiatives Partnership Program, or similar grant or loan
7 program.

8 3. Within 10 working days after receipt of an
9 application, the governing body or enterprise zone development
10 agency shall review the application to determine if it
11 contains all the information required pursuant to subparagraph
12 1. or subparagraph 2. and meets the criteria set out in this
13 paragraph. The governing body or agency shall certify all
14 applications that contain the information required pursuant to
15 subparagraph 1. or subparagraph 2. and meet the criteria set
16 out in this paragraph as eligible to receive a refund. If
17 applicable, the governing body or agency shall also certify if
18 20 percent of the employees of the business are residents of
19 an enterprise zone, excluding temporary and part-time
20 employees. The certification shall be in writing, and a copy
21 of the certification shall be transmitted to the executive
22 director of the Department of Revenue. The applicant shall be
23 responsible for forwarding a certified application to the
24 department within the time specified in subparagraph 4.

25 4. An application for a refund pursuant to this
26 paragraph must be submitted to the department within 6 months
27 after the rehabilitation of the property is deemed to be
28 substantially completed by the local building code inspector
29 or by September 1 ~~within 90 days~~ after the rehabilitated
30 property is first subject to assessment.

31

1 5. The provisions of s. 212.095 do not apply to any
2 refund application made pursuant to this paragraph. ~~No more~~
3 ~~than one exemption through a refund of previously paid taxes~~
4 ~~for the rehabilitation of real property shall be permitted for~~
5 ~~any one parcel of real property.~~ No refund shall be granted
6 pursuant to this paragraph unless the amount to be refunded
7 exceeds \$500. No refund granted pursuant to this paragraph
8 shall exceed the lesser of 97 percent of the Florida sales or
9 use tax paid on the cost of the building materials used in the
10 rehabilitation of the real property as determined pursuant to
11 sub-subparagraph 1.e. or \$5,000, or, if no less than 20
12 percent of the employees of the business are residents of an
13 enterprise zone, excluding temporary and part-time employees,
14 the amount of refund granted pursuant to this paragraph shall
15 not exceed the lesser of 97 percent of the sales tax paid on
16 the cost of such building materials or \$10,000. A refund
17 approved pursuant to this paragraph shall be made within 30
18 days of formal approval by the department of the application
19 for the refund.

20 6. The department shall adopt rules governing the
21 manner and form of refund applications and may establish
22 guidelines as to the requisites for an affirmative showing of
23 qualification for exemption under this paragraph.

24 7. The department shall deduct an amount equal to 10
25 percent of each refund granted under the provisions of this
26 paragraph from the amount transferred into the Local
27 Government Half-cent Sales Tax Clearing Trust Fund pursuant to
28 s. 212.20 for the county area in which the rehabilitated real
29 property is located and shall transfer that amount to the
30 General Revenue Fund.

31

1 8. For the purposes of the exemption provided in this
2 paragraph:

3 a. "Building materials" means tangible personal
4 property which becomes a component part of improvements to
5 real property.

6 b. "Real property" has the same meaning as provided in
7 s. 192.001(12).

8 c. "Rehabilitation of real property" means the
9 reconstruction, renovation, restoration, rehabilitation,
10 construction, or expansion of improvements to real property.

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

13 9. ~~The provisions of This paragraph expires shall~~
14 ~~expire and be void on the date specified for the expiration of~~
15 ~~the Florida Enterprise Zone Act in s. 290.016 December 31,~~
16 ~~2005.~~

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

18 1. Business property purchased for use by businesses
19 located in an enterprise zone which is subsequently used in an
20 enterprise zone shall be exempt from the tax imposed by this
21 chapter. This exemption inures to the business only through a
22 refund of previously paid taxes. A refund shall be authorized
23 upon an affirmative showing by the taxpayer to the
24 satisfaction of the department that the requirements of this
25 paragraph have been met.

26 2. To receive a refund, the business must file under
27 oath with the governing body or enterprise zone development
28 agency having jurisdiction over the enterprise zone where the
29 business is located, as applicable, an application which
30 includes:
31

- 1 a. The name and address of the business claiming the
2 refund.
- 3 b. The identifying number assigned pursuant to s.
4 290.0065 to the enterprise zone in which the business is
5 located.
- 6 c. A specific description of the property for which a
7 refund is sought, including its serial number or other
8 permanent identification number.
- 9 d. The location of the property.
- 10 e. The sales invoice or other proof of purchase of the
11 property, showing the amount of sales tax paid, the date of
12 purchase, and the name and address of the sales tax dealer
13 from whom the property was purchased.
- 14 f. Whether the business is a small business as defined
15 by s. 288.703(1).
- 16 g. If applicable, the name and address of each
17 permanent employee of the business, including, for each
18 employee who is a resident of an enterprise zone, the
19 identifying number assigned pursuant to s. 290.0065 to the
20 enterprise zone in which the employee resides.
- 21 3. Within 10 working days after receipt of an
22 application, the governing body or enterprise zone development
23 agency shall review the application to determine if it
24 contains all the information required pursuant to subparagraph
25 2. and meets the criteria set out in this paragraph. The
26 governing body or agency shall certify all applications that
27 contain the information required pursuant to subparagraph 2.
28 and meet the criteria set out in this paragraph as eligible to
29 receive a refund. If applicable, the governing body or agency
30 shall also certify if 20 percent of the employees of the
31 business are residents of an enterprise zone, excluding

1 temporary and part-time employees. The certification shall be
2 in writing, and a copy of the certification shall be
3 transmitted to the executive director of the Department of
4 Revenue. The business shall be responsible for forwarding a
5 certified application to the department within the time
6 specified in subparagraph 4.

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

11 5. The provisions of s. 212.095 do not apply to any
12 refund application made pursuant to this paragraph. The amount
13 refunded on purchases of business property under this
14 paragraph shall be the lesser of 97 percent of the sales tax
15 paid on such business property or \$5,000, or, if no less than
16 20 percent of the employees of the business are residents of
17 an enterprise zone, excluding temporary and part-time
18 employees, the amount refunded on purchases of business
19 property under this paragraph shall be the lesser of 97
20 percent of the sales tax paid on such business property or
21 \$10,000. A refund approved pursuant to this paragraph shall be
22 made within 30 days of formal approval by the department of
23 the application for the refund. No refund shall be granted
24 under this paragraph unless the amount to be refunded exceeds
25 \$100 in sales tax paid on purchases made within a 60-day time
26 period.

27 6. The department shall adopt rules governing the
28 manner and form of refund applications and may establish
29 guidelines as to the requisites for an affirmative showing of
30 qualification for exemption under this paragraph.
31

1 7. If the department determines that the business
2 property is used outside an enterprise zone within 3 years
3 from the date of purchase, the amount of taxes refunded to the
4 business purchasing such business property shall immediately
5 be due and payable to the department by the business, together
6 with the appropriate interest and penalty, computed from the
7 date of purchase, in the manner provided by this chapter.
8 Notwithstanding this subparagraph, business property used
9 exclusively in:

- 10 a. Licensed commercial fishing vessels,
11 b. Fishing guide boats, or
12 c. Ecotourism guide boats
13

14 that leave and return to a fixed location within an area
15 designated under s. 370.28 are eligible for the exemption
16 provided under this paragraph if all requirements of this
17 paragraph are met. Such vessels and boats must be owned by a
18 business that is eligible to receive the exemption provided
19 under this paragraph. This exemption does not apply to the
20 purchase of a vessel or boat.

21 8. The department shall deduct an amount equal to 10
22 percent of each refund granted under the provisions of this
23 paragraph from the amount transferred into the Local
24 Government Half-cent Sales Tax Clearing Trust Fund pursuant to
25 s. 212.20 for the county area in which the business property
26 is located and shall transfer that amount to the General
27 Revenue Fund.

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

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

3 b. Industrial machinery and equipment as defined in
4 sub-subparagraph (b)6.a. and eligible for exemption under
5 paragraph (b);

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

8 d. Business property having a sales price of under
9 ~~\$500~~\$5,000 per item unit.

10 10. ~~The provisions of This paragraph expires shall~~
11 ~~expire and be void on the date specified for the expiration of~~
12 ~~the Florida Enterprise Zone Act in s. 290.016 December 31,~~
13 ~~2005.~~

14 (q) Community contribution tax credit for donations.--

15 1. Authorization.--Beginning July 1, 2001, persons who
16 are registered with the department under s. 212.18 to collect
17 or remit sales or use tax and who make donations to eligible
18 sponsors are eligible for tax credits against their state
19 sales and use tax liabilities as provided in this paragraph:

20 a. The credit shall be computed as 50 percent of the
21 person's approved annual community contribution;

22 b. The credit shall be granted as a refund against
23 state sales and use taxes reported on returns and remitted in
24 the 12 months preceding the date of application to the
25 department for the credit as required in sub-subparagraph 3.c.
26 If the annual credit is not fully used through such refund
27 because of insufficient tax payments during the applicable
28 12-month period, the unused amount may be included in an
29 application for a refund made pursuant to sub-subparagraph
30 3.c. in subsequent years against the total tax payments made
31 for such year. Carryover credits may be applied for a 3-year

1 period without regard to any time limitation that would
2 otherwise apply under s. 215.26;

3 c. No person shall receive more than \$200,000 in
4 annual tax credits for all approved community contributions
5 made in any one year;

6 d. All proposals for the granting of the tax credit
7 shall require the prior approval of the Office of Tourism,
8 Trade, and Economic Development;

9 e. The total amount of tax credits which may be
10 granted for all programs approved under this paragraph, s.
11 220.183, and s. 624.5105 is \$10 million annually; and

12 f. A person who is eligible to receive the credit
13 provided for in this paragraph, s. 220.183, or s. 624.5105 may
14 receive the credit only under the one section of the person's
15 choice.

16 2. Eligibility requirements.--

17 a. A community contribution by a person must be in the
18 following form:

19 (I) Cash or other liquid assets;

20 (II) Real property;

21 (III) Goods or inventory; or

22 (IV) Other physical resources as identified by the
23 Office of Tourism, Trade, and Economic Development.

24 b. All community contributions must be reserved
25 exclusively for use in a project. As used in this
26 sub-subparagraph, the term "project" means any activity
27 undertaken by an eligible sponsor which is designed to
28 construct, improve, or substantially rehabilitate housing that
29 is affordable to low-income or very-low-income households as
30 defined in s. 420.9071(19) and (28); designed to provide
31 commercial, industrial, or public resources and facilities; or

1 | designed to improve entrepreneurial and job-development
2 | opportunities for low-income persons. A project may be the
3 | investment necessary to increase access to high-speed
4 | broadband capability in rural communities with enterprise
5 | zones, including projects that result in improvements to
6 | communications assets that are owned by a business. ~~A project~~
7 | ~~may include the provision of museum educational programs and~~
8 | ~~materials that are directly related to any project approved~~
9 | ~~between January 1, 1996, and December 31, 1999, and located in~~
10 | ~~an enterprise zone as referenced in s. 290.00675.~~ This
11 | paragraph does not preclude projects that propose to construct
12 | or rehabilitate housing for low-income or very-low-income
13 | households on scattered sites. The Office of Tourism, Trade,
14 | and Economic Development may reserve up to 50 percent of the
15 | available annual tax credits for housing for very-low-income
16 | households pursuant to s. 420.9071(28) for the first 6 months
17 | of the fiscal year. With respect to housing, contributions may
18 | be used to pay the following eligible low-income and
19 | very-low-income housing-related activities:

20 | (I) Project development impact and management fees for
21 | low-income or very-low-income housing projects;

22 | (II) Down payment and closing costs for eligible
23 | persons, as defined in s. 420.9071(19) and (28);

24 | (III) Administrative costs, including housing
25 | counseling and marketing fees, not to exceed 10 percent of the
26 | community contribution, directly related to low-income or
27 | very-low-income projects; and

28 | (IV) Removal of liens recorded against residential
29 | property by municipal, county, or special district local
30 | governments when satisfaction of the lien is a necessary
31 | precedent to the transfer of the property to an eligible

1 person, as defined in s. 420.9071(19) and (28), for the
2 purpose of promoting home ownership. Contributions for lien
3 removal must be received from a nonrelated third party.

4 c. The project must be undertaken by an "eligible
5 sponsor," which includes:

6 (I) A community action program;
7 (II) A nonprofit community-based development
8 organization whose mission is the provision of housing for
9 low-income or very-low-income households or increasing
10 entrepreneurial and job-development opportunities for
11 low-income persons;

12 (III) A neighborhood housing services corporation;
13 (IV) A local housing authority created under chapter
14 421;

15 (V) A community redevelopment agency created under s.
16 163.356;

17 (VI) The Florida Industrial Development Corporation;
18 (VII) A historic preservation district agency or
19 organization;

20 (VIII) A regional workforce board;
21 (IX) A direct-support organization as provided in s.
22 1009.983;

23 (X) An enterprise zone development agency created
24 under s. 290.0056;

25 (XI) A community-based organization incorporated under
26 chapter 617 which is recognized as educational, charitable, or
27 scientific pursuant to s. 501(c)(3) of the Internal Revenue
28 Code and whose bylaws and articles of incorporation include
29 affordable housing, economic development, or community
30 development as the primary mission of the corporation;

31 (XII) Units of local government;

1 (XIII) Units of state government; or
2 (XIV) Any other agency that the Office of Tourism,
3 Trade, and Economic Development designates by rule.
4

5 In no event may a contributing person have a financial
6 interest in the eligible sponsor.

7 d. The project must be located in an area designated
8 an enterprise zone or a Front Porch Florida Community pursuant
9 to s. 20.18(6), unless the project increases access to
10 high-speed broadband capability for rural communities with
11 enterprise zones but is physically located outside the
12 designated rural zone boundaries. Any project designed to
13 construct or rehabilitate housing for low-income or
14 very-low-income households as defined in s. 420.0971(19) and
15 (28) is exempt from the area requirement of this
16 sub-subparagraph.

17 3. Application requirements.--

18 a. Any eligible sponsor seeking to participate in this
19 program must submit a proposal to the Office of Tourism,
20 Trade, and Economic Development which sets forth the name of
21 the sponsor, a description of the project, and the area in
22 which the project is located, together with such supporting
23 information as is prescribed by rule. The proposal must also
24 contain a resolution from the local governmental unit in which
25 the project is located certifying that the project is
26 consistent with local plans and regulations.

27 b. Any person seeking to participate in this program
28 must submit an application for tax credit to the Office of
29 Tourism, Trade, and Economic Development which sets forth the
30 name of the sponsor, a description of the project, and the
31 type, value, and purpose of the contribution. The sponsor

1 shall verify the terms of the application and indicate its
2 receipt of the contribution, which verification must be in
3 writing and accompany the application for tax credit. The
4 person must submit a separate tax credit application to the
5 office for each individual contribution that it makes to each
6 individual project.

7 c. Any person who has received notification from the
8 Office of Tourism, Trade, and Economic Development that a tax
9 credit has been approved must apply to the department to
10 receive the refund. Application must be made on the form
11 prescribed for claiming refunds of sales and use taxes and be
12 accompanied by a copy of the notification. A person may submit
13 only one application for refund to the department within any
14 12-month period.

15 4. Administration.--

16 a. The Office of Tourism, Trade, and Economic
17 Development may adopt rules pursuant to ss. 120.536(1) and
18 120.54 necessary to administer this paragraph, including rules
19 for the approval or disapproval of proposals by a person.

20 b. The decision of the Office of Tourism, Trade, and
21 Economic Development must be in writing, and, if approved, the
22 notification shall state the maximum credit allowable to the
23 person. Upon approval, the office shall transmit a copy of the
24 decision to the Department of Revenue.

25 c. The Office of Tourism, Trade, and Economic
26 Development shall periodically monitor all projects in a
27 manner consistent with available resources to ensure that
28 resources are used in accordance with this paragraph; however,
29 each project must be reviewed at least once every 2 years.

30 d. The Office of Tourism, Trade, and Economic
31 Development shall, in consultation with the Department of

1 Community Affairs, the Florida Housing Finance Corporation,
2 and the statewide and regional housing and financial
3 intermediaries, market the availability of the community
4 contribution tax credit program to community-based
5 organizations.

6 5. Expiration.--This paragraph expires June 30, 2005;
7 however, any accrued credit carryover that is unused on that
8 date may be used until the expiration of the 3-year carryover
9 period for such credit.

10 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.--

11 (g) This subsection expires ~~shall expire and be void~~
12 on the date specified for the expiration of the Florida
13 Enterprise Zone Act in s. 290.016 December 31, 2005, except
14 that:

- 15 1. Paragraph (d) shall not expire; and
- 16 2. Any qualified business which has been granted an
17 exemption under this subsection prior to that date shall be
18 allowed the full benefit of this exemption as if this
19 subsection had not expired on that date.

20 Section 20. Subsections (1), (2), (3), (6), (10),
21 (11), and (12) of section 212.096, Florida Statutes, are
22 amended to read:

23 212.096 Sales, rental, storage, use tax; enterprise
24 zone jobs credit against sales tax.--

25 (1) For the purposes of the credit provided in this
26 section:

27 (a) "Eligible business" means any sole proprietorship,
28 firm, partnership, corporation, bank, savings association,
29 estate, trust, business trust, receiver, syndicate, or other
30 group or combination, or successor business, located in an
31 enterprise zone. ~~The business must demonstrate to the~~

1 ~~department that the total number of full time jobs defined~~
2 ~~under paragraph (d) has increased from the average of the~~
3 ~~previous 12 months. A business that created a minimum of five~~
4 ~~new full time jobs in an enterprise zone between July 1, 2000,~~
5 ~~and December 31, 2001, is also an eligible business for~~
6 ~~purposes of the credit provided beginning January 1, 2002. An~~
7 eligible business does not include any business which has
8 claimed the credit permitted under s. 220.181 for any new
9 business employee first beginning employment with the business
10 after July 1, 1995.

11 (b) "Month" means either a calendar month or the time
12 period from any day of any month to the corresponding day of
13 the next succeeding month or, if there is no corresponding day
14 in the next succeeding month, the last day of the succeeding
15 month.

16 (c) "New employee" means a person residing in an
17 enterprise zone or a participant in the welfare transition
18 program who begins employment with an eligible business after
19 July 1, 1995, and who has not been previously employed full
20 time within the preceding 12 months by the eligible business,
21 or a successor eligible business, claiming the credit allowed
22 by this section.

23 (d) "Job Jobs" means a full-time position ~~positions~~,
24 as consistent with terms used by the Agency for Workforce
25 Innovation and the United States Department of Labor for
26 purposes of unemployment compensation tax administration and
27 employment estimation resulting directly from a business
28 operation in this state. This term ~~These terms~~ may not include
29 a temporary construction job jobs involved with the
30 construction of facilities or any job that has ~~jobs that have~~
31 previously been included in any application for tax credits

1 | under s. 220.181(1). The term "~~jobs~~" also includes employment
2 | of an employee leased from an employee leasing company
3 | licensed under chapter 468 if such employee has been
4 | continuously leased to the employer for an average of at least
5 | 36 hours per week for more than 6 months.

6 | ~~(c) "New job has been created" means that the total~~
7 | ~~number of full time jobs has increased in an enterprise zone~~
8 | ~~from the average of the previous 12 months, as demonstrated to~~
9 | ~~the department by a business located in the enterprise zone.~~

10 |
11 | A person shall be deemed to be employed if the person performs
12 | duties in connection with the operations of the business on a
13 | regular, full-time basis, provided the person is performing
14 | such duties for an average of at least 36 hours per week each
15 | month. The person must be performing such duties at a business
16 | site located in the enterprise zone.

17 | ~~(2)(a) It is the legislative intent to encourage the~~
18 | ~~provision of meaningful employment opportunities which will~~
19 | ~~improve the quality of life of those employed and to encourage~~
20 | ~~economic expansion of enterprise zones and the state.~~

21 | ~~Therefore, beginning January 1, 2002,~~ Upon an affirmative
22 | showing by an eligible business to the satisfaction of the
23 | department that the requirements of this section have been
24 | met, the business shall be allowed a credit against the tax
25 | remitted under this chapter.

26 | (b) The credit shall be computed as 20 percent of the
27 | actual monthly wages paid in this state to each new employee
28 | hired ~~when a new job has been created~~, unless the business is
29 | located within a rural enterprise zone pursuant to s.
30 | 290.004(8), in which case the credit shall be 30 percent of
31 | the actual monthly wages paid. If no less than 20 percent of

1 | the employees of the business are residents of an enterprise
2 | zone, excluding temporary and part-time employees, the credit
3 | shall be computed as 30 percent of the actual monthly wages
4 | paid in this state to each new employee hired ~~when a new job~~
5 | ~~has been created~~, unless the business is located within a
6 | rural enterprise zone, in which case the credit shall be 45
7 | percent of the actual monthly wages paid. If the new employee
8 | hired ~~when a new job is created~~ is a participant in the
9 | welfare transition program, the following credit shall be a
10 | percent of the actual monthly wages paid: 40 percent for \$4
11 | above the hourly federal minimum wage rate; 41 percent for \$5
12 | above the hourly federal minimum wage rate; 42 percent for \$6
13 | above the hourly federal minimum wage rate; 43 percent for \$7
14 | above the hourly federal minimum wage rate; and 44 percent for
15 | \$8 above the hourly federal minimum wage rate. For purposes of
16 | this paragraph, monthly wages shall be computed as one-twelfth
17 | of the expected annual wages paid to such employee. The amount
18 | paid as wages to a new employee is the compensation paid to
19 | such employee that is subject to unemployment tax. The credit
20 | shall be allowed for up to 24 consecutive months, beginning
21 | with the first tax return due pursuant to s. 212.11 after
22 | approval by the department.

23 | (3) In order to claim this credit, an eligible
24 | business must file under oath with the governing body or
25 | enterprise zone development agency having jurisdiction over
26 | the enterprise zone where the business is located, as
27 | applicable, a statement which includes:

28 | (a) For each new employee for whom this credit is
29 | claimed, the employee's name and place of residence, including
30 | the identifying number assigned pursuant to s. 290.0065 to the
31 | enterprise zone in which the employee resides if the new

1 employee is a person residing in an enterprise zone, and, if
2 applicable, documentation that the employee is a welfare
3 transition program participant.

4 (b) If applicable, the name and address of each
5 permanent employee of the business, including, for each
6 employee who is a resident of an enterprise zone, the
7 identifying number assigned pursuant to s. 290.0065 to the
8 enterprise zone in which the employee resides.

9 (c) The name and address of the eligible business.

10 (d) The starting salary or hourly wages paid to the
11 new employee.

12 ~~(e) Demonstration to the department that the total~~
13 ~~number of full time jobs defined under paragraph (1)(d) has~~
14 ~~increased in an enterprise zone from the average of the~~
15 ~~previous 12 months.~~

16 (e)(f) The identifying number assigned pursuant to s.
17 290.0065 to the enterprise zone in which the business is
18 located.

19 (f)(g) Whether the business is a small business as
20 defined by s. 288.703(1).

21 (g)(h) Within 10 working days after receipt of an
22 application, the governing body or enterprise zone development
23 agency shall review the application to determine if it
24 contains all the information required pursuant to this
25 subsection and meets the criteria set out in this section. The
26 governing body or agency shall certify all applications that
27 contain the information required pursuant to this subsection
28 and meet the criteria set out in this section as eligible to
29 receive a credit. If applicable, the governing body or agency
30 shall also certify if 20 percent of the employees of the
31 business are residents of an enterprise zone, excluding

1 temporary and part-time employees. The certification shall be
2 in writing, and a copy of the certification shall be
3 transmitted to the executive director of the Department of
4 Revenue. The business shall be responsible for forwarding a
5 certified application to the department within the time
6 specified in paragraph ~~(h)(i)~~.

7 ~~(h)(i)~~ All applications for a credit pursuant to this
8 section must be submitted to the department within 6 months
9 after the new employee is hired, except applications for
10 credit for leased employees. Applications for credit for
11 leased employees must be submitted to the department within 7
12 months after the employee is leased.

13 (6) The credit provided in this section does not
14 apply:

15 (a) For any new employee who is an owner, partner, or
16 majority stockholder of an eligible business.

17 (b) For any new employee who is employed for any
18 period less than 3 calendar months.

19 (c) For any new employee who fills a job made
20 available by the separation of a new employee for whom the
21 business received this credit and who was employed by the
22 business less than 12 months.

23 ~~(10) It shall be the responsibility of each business~~
24 ~~to affirmatively demonstrate to the satisfaction of the~~
25 ~~department that it meets the requirements of this section.~~

26 ~~(10)(11)~~ Any person who fraudulently claims this
27 credit is liable for repayment of the credit plus a mandatory
28 penalty of 100 percent of the credit plus interest at the rate
29 provided in this chapter, and such person is guilty of a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

1 ~~(11)(12)~~ ~~The provisions of~~ This section, except for
2 subsection (11), expires on the date specified for the
3 expiration of the Florida Enterprise Zone Act in s. 290.016
4 ~~expire December 31, 2005.~~

5 Section 21. Paragraph (c) of subsection (6) and
6 paragraph (c) of subsection (7) of section 220.02, Florida
7 Statutes, are amended to read:

8 220.02 Legislative intent.--

9 (6)

10 (c) ~~The provisions of~~ This subsection expires on the
11 date specified for the expiration of the Florida Enterprise
12 Zone Act in s. 290.016 shall expire and be void on June 30,
13 2005.

14 (7)

15 (c) ~~The provisions of~~ This subsection expires on the
16 date specified for the expiration of the Florida Enterprise
17 Zone Act in s. 290.016 shall expire and be void on June 30,
18 2005.

19 Section 22. Paragraphs (a), (c), (d), (i), (j), (k),
20 (o), (p), (q), (t), (u), (ff), and (gg) of subsection (1) of
21 section 220.03, Florida Statutes, are amended to read:

22 220.03 Definitions.--

23 (1) SPECIFIC TERMS.--When used in this code, and when
24 not otherwise distinctly expressed or manifestly incompatible
25 with the intent thereof, the following terms shall have the
26 following meanings:

27 (a) "Ad valorem taxes paid" means 96 percent of
28 property taxes levied for operating purposes and does not
29 include interest, penalties, or discounts foregone. In
30 addition, the term "ad valorem taxes paid," for purposes of
31 the credit in s. 220.182, means the ad valorem tax paid on new

1 or additional real or personal property acquired to establish
2 a new business or facilitate a business expansion, including
3 pollution and waste control facilities, or any part thereof,
4 and including one or more buildings or other structures,
5 machinery, fixtures, and equipment. ~~The provisions of This~~
6 paragraph expires on the date specified for the expiration of
7 the Florida Enterprise Zone Act in s. 290.016 shall expire and
8 be void on June 30, 2005.

9 (c) "Business" or "business firm" means any business
10 entity authorized to do business in this state as defined in
11 paragraph (e), and any bank or savings and loan association as
12 defined in s. 220.62, subject to the tax imposed by the
13 provisions of this chapter. ~~The provisions of This paragraph~~
14 expires on the date specified for the expiration of the
15 Florida Enterprise Zone Act in s. 290.016 shall expire and be
16 void on June 30, 2005.

17 (d) "Community contribution" means the grant by a
18 business firm of any of the following items:
19 1. Cash or other liquid assets.
20 2. Real property.
21 3. Goods or inventory.
22 4. Other physical resources as identified by the
23 department.

24
25 ~~The provisions of This paragraph expires on the date specified~~
26 for the expiration of the Florida Enterprise Zone Act in s.
27 290.016 shall expire and be void on June 30, 2005.

28 (i) "Emergency," as used in s. 220.02 and in paragraph
29 (u) of this subsection, means occurrence of widespread or
30 severe damage, injury, or loss of life or property proclaimed
31 pursuant to s. 14.022 or declared pursuant to s. 252.36. ~~The~~

1 ~~provisions of~~ This paragraph expires on the date specified for
2 the expiration of the Florida Enterprise Zone Act in s.
3 290.016 shall expire and be void on June 30, 2005.

4 (j) "Enterprise zone" means an area in the state
5 designated pursuant to s. 290.0065. ~~The provisions of This~~
6 paragraph expires on the date specified for the expiration of
7 the Florida Enterprise Zone Act in s. 290.016 shall expire and
8 be void on June 30, 2005.

9 (k) "Expansion of an existing business," for the
10 purposes of the enterprise zone property tax credit, means any
11 business entity authorized to do business in this state as
12 defined in paragraph (e), and any bank or savings and loan
13 association as defined in s. 220.62, subject to the tax
14 imposed by the provisions of this chapter, located in an
15 enterprise zone, which expands by or through additions to real
16 and personal property and which establishes five or more new
17 jobs to employ five or more additional full-time employees at
18 such location. ~~The provisions of This paragraph~~ expires on the
19 date specified for the expiration of the Florida Enterprise
20 Zone Act in s. 290.016 shall expire and be void on June 30,
21 2005.

22 (o) "Local government" means any county or
23 incorporated municipality in the state. ~~The provisions of This~~
24 paragraph expires on the date specified for the expiration of
25 the Florida Enterprise Zone Act in s. 290.016 shall expire and
26 be void on June 30, 2005.

27 (p) "New business," for the purposes of the enterprise
28 zone property tax credit, means any business entity authorized
29 to do business in this state as defined in paragraph (e), or
30 any bank or savings and loan association as defined in s.
31 220.62, subject to the tax imposed by the provisions of this

1 chapter, first beginning operations on a site located in an
2 enterprise zone and clearly separate from any other commercial
3 or industrial operations owned by the same entity, bank, or
4 savings and loan association and which establishes five or
5 more new jobs to employ five or more additional full-time
6 employees at such location. ~~The provisions of This paragraph~~
7 expires on the date specified for the expiration of the
8 Florida Enterprise Zone Act in s. 290.016 shall expire and be
9 void on June 30, 2005.

10 (q) "New employee," for the purposes of the enterprise
11 zone jobs credit, means a person residing in an enterprise
12 zone or a participant in the welfare transition program who is
13 employed at a business located in an enterprise zone who
14 begins employment in the operations of the business after July
15 1, 1995, and who has not been previously employed full time
16 within the preceding 12 months by the business or a successor
17 business claiming the credit pursuant to s. 220.181. A person
18 shall be deemed to be employed by such a business if the
19 person performs duties in connection with the operations of
20 the business on a full-time basis, provided she or he is
21 performing such duties for an average of at least 36 hours per
22 week each month. The person must be performing such duties at
23 a business site located in an enterprise zone. ~~The provisions~~
24 ~~of This paragraph expires on the date specified for the~~
25 expiration of the Florida Enterprise Zone Act in s. 290.016
26 shall expire and be void on June 30, 2005.

27 (t) "Project" means any activity undertaken by an
28 eligible sponsor, as defined in s. 220.183(2)(c), which is
29 designed to construct, improve, or substantially rehabilitate
30 housing that is affordable to low-income or very-low-income
31 households as defined in s. 420.9071(19) and (28); designed to

1 provide commercial, industrial, or public resources and
2 facilities; or designed to improve entrepreneurial and
3 job-development opportunities for low-income persons. A
4 project may be the investment necessary to increase access to
5 high-speed broadband capability in rural communities with
6 enterprise zones, including projects that result in
7 improvements to communications assets that are owned by a
8 business. ~~A project may include the provision of museum~~
9 ~~educational programs and materials that are directly related~~
10 ~~to any project approved between January 1, 1996, and December~~
11 ~~31, 1999, and located in an enterprise zone as referenced in~~
12 ~~s. 290.00675.~~ This paragraph does not preclude projects that
13 propose to construct or rehabilitate low-income or
14 very-low-income housing on scattered sites. The Office of
15 Tourism, Trade, and Economic Development may reserve up to 50
16 percent of the available annual tax credits under s. 220.181
17 for housing for very-low-income households pursuant to s.
18 420.9071(28) for the first 6 months of the fiscal year. With
19 respect to housing, contributions may be used to pay the
20 following eligible project-related activities:

- 21 1. Project development, impact, and management fees
22 for low-income or very-low-income housing projects;
- 23 2. Down payment and closing costs for eligible
24 persons, as defined in s. 420.9071(19) and (28);
- 25 3. Administrative costs, including housing counseling
26 and marketing fees, not to exceed 10 percent of the community
27 contribution, directly related to low-income or
28 very-low-income projects; and
- 29 4. Removal of liens recorded against residential
30 property by municipal, county, or special-district local
31 governments when satisfaction of the lien is a necessary

1 precedent to the transfer of the property to an eligible
2 person, as defined in s. 420.9071(19) and (28), for the
3 purpose of promoting home ownership. Contributions for lien
4 removal must be received from a nonrelated third party.

5
6 ~~The provisions of This paragraph expires on the date specified~~
7 ~~for the expiration of the Florida Enterprise Zone Act in s.~~
8 ~~290.016 shall expire and be void on June 30, 2005.~~

9 (u) "Rebuilding of an existing business" means
10 replacement or restoration of real or tangible property
11 destroyed or damaged in an emergency, as defined in paragraph
12 (i), after July 1, 1995, in an enterprise zone, by a business
13 entity authorized to do business in this state as defined in
14 paragraph (e), or a bank or savings and loan association as
15 defined in s. 220.62, subject to the tax imposed by the
16 provisions of this chapter, located in the enterprise zone.

17 ~~The provisions of This paragraph expires on the date specified~~
18 ~~for the expiration of the Florida Enterprise Zone Act in s.~~
19 ~~290.016 shall expire and be void on June 30, 2005.~~

20 ~~(ff) "New job has been created" means that the total~~
21 ~~number of full time jobs has increased in an enterprise zone~~
22 ~~from the average of the previous 12 months, as demonstrated to~~
23 ~~the department by a business located in the enterprise zone.~~

24 ~~(ff)(gg)~~ "Job ~~Jobs~~" means a full-time position
25 ~~positions~~, as consistent with terms used by the Agency for
26 Workforce Innovation and the United States Department of Labor
27 for purposes of unemployment compensation tax administration
28 and employment estimation resulting directly from business
29 operations in this state. This term ~~These terms~~ may not
30 include a temporary construction job ~~jobs~~ involved with the
31 construction of facilities or any job ~~jobs~~ that has ~~have~~

1 | previously been included in any application for tax credits
2 | under s. 212.096. The term "~~jobs~~" also includes employment of
3 | an employee leased from an employee leasing company licensed
4 | under chapter 468 if the employee has been continuously leased
5 | to the employer for an average of at least 36 hours per week
6 | for more than 6 months.

7 | Section 23. Subsections (1) and (9) of section
8 | 220.181, Florida Statutes, are amended to read:

9 | 220.181 Enterprise zone jobs credit.--

10 | (1)(a) Upon an affirmative showing by an eligible
11 | business to the satisfaction of the department that the
12 | requirements of this section have been met, the business
13 | ~~Beginning January 1, 2002, there shall be allowed a credit~~
14 | ~~against the tax imposed by this chapter to any business~~
15 | ~~located in an enterprise zone which demonstrates to the~~
16 | ~~department that the total number of full time jobs has~~
17 | ~~increased from the average of the previous 12 months. A~~
18 | ~~business that created a minimum of five new full time jobs in~~
19 | ~~an enterprise zone between July 1, 2000, and December 31,~~
20 | ~~2001, may also be eligible to claim the credit for eligible~~
21 | ~~employees under the provisions that took effect January 1,~~
22 | ~~2002. The credit shall be computed as 20 percent of the actual~~
23 | ~~monthly wages paid in this state to each new employee hired~~
24 | ~~when a new job has been created, as defined under s.~~
25 | ~~220.03(1)(ff), unless the business is located in a rural~~
26 | ~~enterprise zone, pursuant to s. 290.004(6) s. 290.004(8), in~~
27 | ~~which case the credit shall be 30 percent of the actual~~
28 | ~~monthly wages paid. If no less than 20 percent of the~~
29 | ~~employees of the business are residents of an enterprise zone,~~
30 | ~~excluding temporary and part-time employees, the credit shall~~
31 | ~~be computed as 30 percent of the actual monthly wages paid in~~

1 | this state to each new employee hired ~~when a new job has been~~
2 | ~~created~~, unless the business is located in a rural enterprise
3 | zone, in which case the credit shall be 45 percent of the
4 | actual monthly wages paid, for a period of up to 24
5 | consecutive months. If the new employee hired ~~when a new job~~
6 | ~~is created~~ is a participant in the welfare transition program,
7 | the following credit shall be a percent of the actual monthly
8 | wages paid: 40 percent for \$4 above the hourly federal minimum
9 | wage rate; 41 percent for \$5 above the hourly federal minimum
10 | wage rate; 42 percent for \$6 above the hourly federal minimum
11 | wage rate; 43 percent for \$7 above the hourly federal minimum
12 | wage rate; and 44 percent for \$8 above the hourly federal
13 | minimum wage rate.

14 | (b) This credit applies only with respect to wages
15 | subject to unemployment tax. The credit provided in this
16 | section does not apply:

17 | 1. For any new employee who is an owner, partner, or
18 | majority stockholder of an eligible business.

19 | 2. For any new employee who is employed for any period
20 | less than 3 calendar months.

21 | 3. For any new employee who fills a job made available
22 | by the separation of a new employee for whom the business
23 | received this credit and who was employed by the business less
24 | than 12 months. and does not apply for any new employee who is
25 | employed for any period less than 3 full months.

26 | (c) If this credit is not fully used in any one year,
27 | the unused amount may be carried forward for a period not to
28 | exceed 5 years. The carryover credit may be used in a
29 | subsequent year when the tax imposed by this chapter for such
30 | year exceeds the credit for such year after applying the other
31 |

1 credits and unused credit carryovers in the order provided in
2 s. 220.02(8).

3 (9) ~~The provisions of~~ This section, except paragraph
4 (1)(c) and subsection (8), expires on the date specified for
5 the expiration of the Florida Enterprise Zone Act in s.
6 290.016 shall expire and be void on June 30, 2005, and a ~~no~~
7 business may not ~~shall be allowed to~~ begin claiming the such
8 enterprise zone jobs credit after that date; however, the
9 expiration of this section does shall not affect the operation
10 of any credit for which a business has qualified under this
11 section before that date prior to June 30, 2005, or any
12 carryforward of unused credit amounts as provided in paragraph
13 (1)(c).

14 Section 24. Subsection (14) of section 220.182,
15 Florida Statutes, is amended to read:

16 220.182 Enterprise zone property tax credit.--

17 (14) ~~The provisions of~~ This section expires on the
18 date specified for the expiration of the Florida Enterprise
19 Zone Act in s. 290.016 shall expire and be void on June 30,
20 2005, and a ~~no~~ business may not ~~shall be allowed to~~ begin
21 claiming the such enterprise zone property tax credit after
22 that date; however, the expiration of this section does shall
23 not affect the operation of any credit for which a business
24 has qualified under this section before that date prior to
25 June 30, 2005, or any carryforward of unused credit amounts as
26 provided in paragraph (1)(b).

27 Section 25. Subsection (2) of section 370.28, Florida
28 Statutes, is amended to read:

29 370.28 Enterprise zone designation; communities
30 adversely impacted by net limitations.--

31

1 (2)(a) Such communities having a population of fewer
2 ~~less~~ than 7,500 persons and such communities in rural and
3 coastal counties with a county population of fewer ~~less~~ than
4 25,000 may apply to the Office of Tourism, Trade, and Economic
5 Development by August 15, 1996, for the designation of an area
6 as an enterprise zone. The community must comply with the
7 requirements of s. 290.0055, except that, for a community
8 having a total population of 7,500 persons or more but fewer
9 ~~less~~ than 20,000 persons, the selected area may shall not
10 exceed 5 square miles. Notwithstanding the provisions of s.
11 290.0065, limiting the total number of enterprise zones
12 designated and the number of enterprise zones within a
13 population category, the Office of Tourism, Trade, and
14 Economic Development may designate an enterprise zone in eight
15 of the identified communities. The governing body having
16 jurisdiction over such area shall create an enterprise zone
17 development agency pursuant to s. 290.0056 and submit a
18 strategic plan pursuant to s. 290.0057. Enterprise zones
19 designated pursuant to this section shall be effective January
20 1, 1997. Any enterprise zone designated under this paragraph
21 having an effective date on or before January 1, 2005,
22 continues to exist until, and shall terminate December 31,
23 2005, and ceases to exist on that date. Any enterprise zone
24 redesignated on or after January 1, 2006, must do so in
25 accordance with the Florida Enterprise Zone Act.

26 (b) Notwithstanding any provisions of this section to
27 the contrary, communities in coastal counties with a county
28 population greater than 20,000, which can demonstrate that the
29 community has historically been a fishing community and has
30 therefore had a direct adverse impact from the adoption of the
31 constitutional amendment limiting the use of nets, shall also

1 | be eligible to apply for designation of an area as an
2 | enterprise zone. The community must comply with the
3 | requirements of s. 290.0055, except s. 290.0055(3). Such
4 | communities shall apply to the Office of Tourism, Trade, and
5 | Economic Development by August 15, 1996. The office may
6 | designate one enterprise zone under this paragraph, which
7 | shall be effective January 1, 1997, and which shall be in
8 | addition to the eight zones authorized under paragraph (a).
9 | Any enterprise zone designated under this paragraph having an
10 | effective date on or before January 1, 2005, continues to
11 | exist until December 31, 2005, and ceases to exist on that
12 | date. Any enterprise zone redesignated on or after January 1,
13 | 2006, must do so in accordance with the Florida Enterprise
14 | Zone Act. ~~Such enterprise zone shall terminate December 31,~~
15 | ~~2005.~~ The governing body having jurisdiction over such area
16 | shall create an enterprise zone development agency pursuant to
17 | s. 290.0056 and submit a strategic plan pursuant to s.
18 | 290.0057.

19 | Section 26. Sections 290.00555, 290.0067, 290.00675,
20 | 290.00676, 290.00678, 290.00679, 290.0068, 290.00685,
21 | 290.00686, 290.00687, 290.00688, 290.00689, 290.0069,
22 | 290.00691, 290.00692, 290.00693, 290.00694, 290.00695,
23 | 290.00696, 290.00697, 290.00698, 290.00699, 290.00701,
24 | 290.00702, 290.00703, 290.00704, 290.00705, 290.00706,
25 | 290.00707, 290.00708, 290.00709, 290.009, and 290.015, Florida
26 | Statutes, are repealed.

27 | Section 27. This act shall take effect upon becoming a
28 | law.

29 |
30 |
31 |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Revises the Florida Enterprise Zone Act. Changes various procedures and requirements for applying, qualifying, and obtaining designation as an enterprise zone. Requires that any zone designated or redesignated after January 1, 2006, do so in compliance with the revised act. Repeals the designations of various enterprise zones. (See bill for details.)