

CHAMBER ACTION

1 The Economic Development, Trade & Banking Committee recommends  
2 the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to economic development; amending s.  
8 212.08, F.S.; conforming provisions to the revision  
9 creating designated urban job tax credit areas; amending  
10 s. 212.097, F.S.; revising provisions providing for an  
11 urban job tax credit program to apply to designated urban  
12 job tax credit areas rather than high-crime areas;  
13 revising and providing definitions, eligibility criteria,  
14 application procedures and requirements, and area  
15 characteristics and criteria; amending ss. 220.1895 and  
16 288.99, F.S.; conforming provisions to the revision  
17 creating designated urban job tax credit areas; providing  
18 an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (o) of subsection (5) of section  
23 212.08, Florida Statutes, is amended to read:

24           212.08 Sales, rental, use, consumption, distribution, and  
25 storage tax; specified exemptions.--The sale at retail, the  
26 rental, the use, the consumption, the distribution, and the  
27 storage to be used or consumed in this state of the following  
28 are hereby specifically exempt from the tax imposed by this  
29 chapter.

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

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

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

33           a. "Building materials" means tangible personal property  
34 that becomes a component part of a housing project or a mixed-  
35 use project.

36           b. "Housing project" means the conversion of an existing  
37 manufacturing or industrial building to housing units in a  
38 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise  
39 zone, empowerment zone, Front Porch Community, designated  
40 brownfield area, or urban infill area and in which the developer  
41 agrees to set aside at least 20 percent of the housing units in  
42 the project for low-income and moderate-income persons or the  
43 construction in a designated brownfield area of affordable  
44 housing for persons described in s. 420.0004(9), (10), or (14),  
45 or in s. 159.603(7).

46           c. "Mixed-use project" means the conversion of an existing  
47 manufacturing or industrial building to mixed-use units that  
48 include artists' studios, art and entertainment services, or  
49 other compatible uses. A mixed-use project must be located in a  
50 designated ~~an~~ urban job tax credit ~~high-crime~~ area, enterprise  
51 zone, empowerment zone, Front Porch Community, designated

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52 brownfield area, or urban infill area, and the developer must  
53 agree to set aside at least 20 percent of the square footage of  
54 the project for low-income and moderate-income housing.

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

57 2. Building materials used in the construction of a  
58 housing project or mixed-use project are exempt from the tax  
59 imposed by this chapter upon an affirmative showing to the  
60 satisfaction of the department that the requirements of this  
61 paragraph have been met. This exemption inures to the owner  
62 through a refund of previously paid taxes. To receive this  
63 refund, the owner must file an application under oath with the  
64 department which includes:

65 a. The name and address of the owner.

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

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

69 d. A certification by the local building code inspector  
70 that the project is substantially completed.

71 e. A sworn statement, under penalty of perjury, from the  
72 general contractor licensed in this state with whom the owner  
73 contracted to construct the project, which statement lists the  
74 building materials used in the construction of the project and  
75 the actual cost thereof, and the amount of sales tax paid on  
76 these materials. If a general contractor was not used, the owner  
77 shall provide this information in a sworn statement, under  
78 penalty of perjury. Copies of invoices evidencing payment of  
79 sales tax must be attached to the sworn statement.

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80           3. An application for a refund under this paragraph must  
81 be submitted to the department within 6 months after the date  
82 the project is deemed to be substantially completed by the local  
83 building code inspector. Within 30 working days after receipt of  
84 the application, the department shall determine if it meets the  
85 requirements of this paragraph. A refund approved pursuant to  
86 this paragraph shall be made within 30 days after formal  
87 approval of the application by the department. The provisions of  
88 s. 212.095 do not apply to any refund application made under  
89 this paragraph.

90           4. The department shall establish by rule an application  
91 form and criteria for establishing eligibility for exemption  
92 under this paragraph.

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

95           Section 2. Section 212.097, Florida Statutes, is amended  
96 to read:

97           212.097 Designated Urban ~~High Crime Area~~ Job Tax Credit  
98 Area Program.--

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

100           (a) "Eligible business" means any sole proprietorship,  
101 firm, partnership, or corporation that is located in a  
102 designated urban job tax credit area ~~qualified county~~ and is  
103 predominantly engaged in, or is headquarters for a business  
104 predominantly engaged in, activities usually provided for  
105 consideration by firms classified within the following standard  
106 industrial classifications: SIC 01-SIC 09 (agriculture,  
107 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-

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108 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and  
 109 storage); SIC 70 (hotels and other lodging places); SIC 7391  
 110 (research and development); SIC 781 (motion picture production  
 111 and allied services); SIC 7992 (public golf courses); ~~and~~ SIC  
 112 7996 (amusement parks); and a targeted industry eligible for the  
 113 qualified target industry business tax refund under s. 288.106.  
 114 A call center or similar customer service operation that  
 115 services a multistate market or international market is also an  
 116 eligible business. In addition, the Office of Tourism, Trade,  
 117 and Economic Development may, as part of its final budget  
 118 request submitted pursuant to s. 216.023, recommend additions to  
 119 or deletions from the list of standard industrial  
 120 classifications used to determine an eligible business, and the  
 121 Legislature may implement such recommendations. Excluded from  
 122 eligible receipts are receipts from retail sales, except such  
 123 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other  
 124 lodging places classified in SIC 70, public golf courses in SIC  
 125 7992, and amusement parks in SIC 7996. For purposes of this  
 126 paragraph, the term "predominantly" means that more than 50  
 127 percent of the business's gross receipts from all sources is  
 128 generated by those activities usually provided for consideration  
 129 by firms in the specified standard industrial classification.  
 130 The determination of whether the business is located in a  
 131 designated urban job tax credit ~~qualified high-crime area and~~  
 132 ~~the tier ranking of that area~~ must be based on the date of  
 133 application for the credit under this section. Commonly owned  
 134 and controlled entities are to be considered a single business  
 135 entity.

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136 (b) "Qualified employee" means any employee of an eligible  
137 business who performs duties in connection with the operations  
138 of the business on a regular, full-time basis for an average of  
139 at least 36 hours per week for at least 3 months within the  
140 designated urban job tax credit ~~qualified high-crime~~ area in  
141 which the eligible business is located. An owner or partner of  
142 the eligible business is not a qualified employee. The term also  
143 includes an employee leased from an employee leasing company  
144 licensed under chapter 468, if such employee has been  
145 continuously leased to the employer for an average of at least  
146 36 hours per week for more than 6 months.

147 (c) "New business" means any eligible business first  
148 beginning operation on a site in a designated urban job tax  
149 credit ~~qualified high-crime~~ area and clearly separate from any  
150 other commercial or business operation of the business entity  
151 within a designated urban job tax credit ~~qualified high-crime~~  
152 area. A business entity that operated an eligible business  
153 within a designated urban job tax credit ~~qualified high-crime~~  
154 area within the 48 months before the period provided for  
155 application by subsection (2) is not considered a new business.

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

158 (e) "Designated urban job tax credit ~~Qualified high-crime~~  
159 area" means an area selected by the Office of Tourism, Trade,  
160 and Economic Development in the following manner: every fifth  
161 ~~third~~ year, the office shall designate ~~rank and tier~~ those areas  
162 nominated under subsection (7), according to the highest level  
163 of distress experienced in the categories enumerated under

164 subsection (7). The Office of Tourism, Trade, and Economic  
 165 Development shall designate the 30 highest-distress-profile  
 166 urban areas as eligible participants under the Designated Urban  
 167 Job Tax Credit Area Program. following prioritized criteria:

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

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

174 ~~3. Highest percentage of reported index crimes that are~~  
 175 ~~violent in nature;~~

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

177 ~~5. Highest overall index crime rate for the geographic~~  
 178 ~~area.~~

179  
 180 ~~Tier one areas are ranked 1 through 5 and represent the highest~~  
 181 ~~crime areas according to this ranking. Tier two areas are ranked~~  
 182 ~~6 through 10 according to this ranking. Tier three areas are~~  
 183 ~~ranked 11 through 15. Notwithstanding this definition,~~

184 "designated urban job tax credit qualified high-crime area" also  
 185 means an area that has been designated as a federal Empowerment  
 186 Zone pursuant to the Taxpayer Relief Act of 1997 or the  
 187 Community Tax Relief Act of 2000. An area designated under this  
 188 section as of June 30, 2006, shall retain the designation  
 189 through June 30, 2012. A business qualified in such a designated  
 190 area under this section, as this section was in effect on or  
 191 before June 30, 2006, and eligible for the applicable tax credit

192 as of June 30, 2006, shall retain the same qualification and tax  
 193 credit amounts through June 30, 2012, that were available to the  
 194 business on June 30, 2006, if the business complies with the  
 195 job-creation requirements. Any area designated pursuant to this  
 196 section shall retain the designation for a period not to exceed  
 197 6 years after the effective date of designation. Thereafter, any  
 198 such area or any other area eligible for designation may seek  
 199 approval from the office for designation.

200 (f) "Urban" means a densely populated nonrural area  
 201 located within an urban county that consists of a cluster of one  
 202 or more census blocks, each of which has a population density of  
 203 at least 400 people per square mile, or an area defined as an  
 204 urbanized area by the most recent United States Census.

205 (g) "Urban infill and redevelopment area" means an area or  
 206 areas designated by a local government where:

207 1. Public services such as water and wastewater,  
 208 transportation, schools, and recreation are already available or  
 209 are scheduled to be provided in an adopted 5-year schedule of  
 210 capital improvements;

211 2. The area, or one or more neighborhoods within the area,  
 212 suffers from pervasive poverty, unemployment, and general  
 213 distress as defined by s. 290.0058;

214 3. The area exhibits a proportion of properties that are  
 215 substandard, overcrowded, dilapidated, vacant or abandoned, or  
 216 functionally obsolete which is higher than the average for the  
 217 local government;



218 4. More than 50 percent of the area is within 1/4 mile of  
 219 a transit stop, or a sufficient number of such transit stops  
 220 will be made available concurrent with the designation; and

221 5. The area includes or is adjacent to community  
 222 redevelopment areas, brownfields, enterprise zones, or Main  
 223 Street programs, or has been designated by the state or Federal  
 224 Government as an urban redevelopment, revitalization, or infill  
 225 area under empowerment zone, enterprise community, or brownfield  
 226 showcase community programs or similar programs. Such a  
 227 ~~designated area is ranked in tier three until the areas are~~  
 228 ~~reevaluated by the Office of Tourism, Trade, and Economic~~  
 229 ~~Development.~~

230 (2) A new eligible business may apply for a tax credit  
 231 under this subsection once at any time during its first year of  
 232 operation. A new eligible business in a designated urban job tax  
 233 ~~credit tier one qualified high crime~~ area which has at least 10  
 234 qualified employees on the date of application shall receive a  
 235 ~~\$1,500 tax credit for each such employee. A new eligible~~  
 236 ~~business in a tier two qualified high crime area which has at~~  
 237 ~~least 20 qualified employees on the date of application shall~~  
 238 ~~receive a \$1,000 tax credit for each such employee. A new~~  
 239 ~~eligible business in a tier three qualified high crime area~~  
 240 ~~which has at least 30 qualified employees on the date of~~  
 241 ~~application shall receive a \$500 tax credit for each such~~  
 242 ~~employee.~~

243 (3) An existing eligible business may apply for a tax  
 244 credit under this subsection at any time it is entitled to such  
 245 credit, except as restricted by this subsection. An existing

246 eligible business in a designated urban job tax credit ~~tier one~~  
 247 ~~qualified high crime~~ area which on the date of application has  
 248 at least 5 more qualified employees than it had 1 year prior to  
 249 its date of application shall receive a ~~\$1,500 tax credit for~~  
 250 ~~each such additional employee. An existing eligible business in~~  
 251 ~~a tier two qualified high crime area which on the date of~~  
 252 ~~application has at least 10 more qualified employees than it had~~  
 253 ~~1 year prior to its date of application shall receive a \$1,000~~  
 254 ~~credit for each such additional employee. An existing business~~  
 255 ~~in a tier three qualified high crime area which on the date of~~  
 256 ~~application has at least 15 more qualified employees than it had~~  
 257 ~~1 year prior to its date of application shall receive a \$500 tax~~  
 258 ~~credit for each such additional employee. An existing eligible~~  
 259 business may apply for the credit under this subsection no more  
 260 than once in any 12-month period. Any existing eligible business  
 261 that received a credit under subsection (2) may not apply for  
 262 the credit under this subsection sooner than 12 months after the  
 263 application date for the credit under subsection (2).

264 (4) For any new eligible business receiving a credit  
 265 pursuant to subsection (2), an additional \$500 credit shall be  
 266 provided for any qualified employee who is a welfare transition  
 267 program participant. For any existing eligible business  
 268 receiving a credit pursuant to subsection (3), an additional  
 269 \$500 credit shall be provided for any qualified employee who is  
 270 a welfare transition program participant. Such employee must be  
 271 employed on the application date and have been employed less  
 272 than 1 year. This credit shall be in addition to other credits  
 273 pursuant to this section ~~regardless of the tier level of the~~

274 ~~high crime area~~. Appropriate documentation concerning the  
 275 eligibility of an employee for this credit must be submitted as  
 276 determined by the department.

277 (5) To be eligible for a tax credit under subsection (3),  
 278 the number of qualified employees employed 1 year prior to the  
 279 application date must be no lower than the number of qualified  
 280 employees on the application date on which a credit under this  
 281 section was based for any previous application, including an  
 282 application under subsection (2).

283 (6) Any county or municipality, or a county and one or  
 284 more municipalities together, may apply to the Office of  
 285 Tourism, Trade, and Economic Development for the designation of  
 286 an area as a designated urban job tax credit ~~high crime~~ area  
 287 after the adoption by the governing body or bodies of a  
 288 resolution that:

289 (a) Finds that an urban ~~a high crime~~ area exists in such  
 290 county or municipality, or in both the county and one or more  
 291 municipalities, which chronically exhibits extreme and  
 292 unacceptable levels of poverty, unemployment, physical  
 293 deterioration, and economic disinvestment.†

294 (b) Determines that the rehabilitation, conservation, or  
 295 redevelopment, or a combination thereof, of such an urban ~~a~~  
 296 ~~high crime~~ area is necessary in the interest of the health,  
 297 safety, and welfare of the residents of such county or  
 298 municipality, or such county and one or more municipalities.†  
 299 and

300 (c) Determines that the revitalization of such an urban ~~a~~  
 301 ~~high crime~~ area can occur if the public sector or private sector

302 can be induced to invest its own resources in productive  
303 enterprises that build or rebuild the economic viability of the  
304 area.

305 (7) The governing body of the entity nominating the area  
306 shall demonstrate ~~provide~~ to the Office of Tourism, Trade, and  
307 Economic Development that the area following:

308 (a) 1. Has at least forty percent of its residents earning  
309 wages on an annual basis which are equal to or less than the  
310 annual wage of a person who is earning minimum wage; or

311 2. Has more than 20 percent of its residents or families  
312 living below the federal standard of poverty for individuals or  
313 a family of four;

314 (b) Has an unemployment rate at least 3 percentage points  
315 higher than the state's unemployment rate;

316 (c) Has an arrest rate higher than the state's average  
317 rate for such crimes as drug sale, drug possession,  
318 prostitution, vandalism, and civil disturbances, as recorded by  
319 the total crime index of the Department of Law Enforcement; and

320 (d) 1. Has 50 percent or more of its residents who rent;

321 2. Has property values that are within the lower 50  
322 percent of the county's assessed property values;

323 3. Has more than 5 percent of its commercial buildings  
324 currently vacant or condemned within the previous 24 months; or

325 4. With respect to at least 25 percent of tax or special  
326 assessment delinquencies, the amount of the delinquency exceeds  
327 the fair value of the land ~~The overall index crime rate for the~~  
328 ~~geographic area;~~

329 ~~(b) The overall index crime volume for the area;~~

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330 ~~(c) The percentage of reported index crimes that are~~  
331 ~~violent in nature;~~

332 ~~(d) The reported crime volume and rate of specific~~  
333 ~~property crimes such as business and residential burglary, motor~~  
334 ~~vehicle theft, and vandalism; and~~

335 ~~(e) The arrest rates within the geographic area for~~  
336 ~~violent crime and for such other crimes as drug sale, drug~~  
337 ~~possession, prostitution, disorderly conduct, vandalism, and~~  
338 ~~other public order offenses.~~

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

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

347 (a) The selected area ~~does not exceed 20 square miles and~~  
348 ~~either~~ has a continuous boundary or consists of not more than  
349 three noncontiguous parcels;

350 (b) The selected area does not exceed the following  
351 mileage limitation:

352 1. For areas communities having a total population of  
353 150,000 persons or more, the selected area does not exceed 20  
354 square miles and is within 10 miles of the urban infill and  
355 redevelopment area of a city.

356 2. For areas communities having a total population of  
357 50,000 persons or more, but fewer than 150,000 persons, the

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358 selected area does not exceed 10 square miles and is within 7.5  
 359 miles of the urban infill and redevelopment area of a city.

360 3. For areas ~~communities~~ having a total population of  
 361 20,000 persons or more, but fewer than 50,000 persons, the  
 362 selected area does not exceed 5 square miles and is within 5  
 363 miles of the urban infill and redevelopment area of a city.

364 4. For areas ~~communities~~ having a total population of  
 365 fewer than 20,000 persons, the selected area does not exceed 3  
 366 square miles and is within 3 miles of the urban infill and  
 367 redevelopment area of a city.

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

373 (b) Within 30 working days after receipt of an application  
 374 for credit, the Office of Tourism, Trade, and Economic  
 375 Development shall review the application to determine whether it  
 376 contains all the information required by this subsection and  
 377 meets the criteria set out in this section. Subject to the  
 378 provisions of paragraph (c), the Office of Tourism, Trade, and  
 379 Economic Development shall approve all applications that contain  
 380 the information required by this subsection and meet the  
 381 criteria set out in this section as eligible to receive a  
 382 credit.

383 (c) The maximum credit amount that may be approved during  
 384 any calendar year is \$5 million, ~~of which \$1 million shall be~~  
 385 ~~exclusively reserved for tier one areas.~~ The Department of

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386 Revenue, in conjunction with the Office of Tourism, Trade, and  
 387 Economic Development, shall notify the governing bodies in areas  
 388 designated under this section as ~~urban high crime areas~~ when the  
 389 \$5 million maximum amount has been reached. Applications must be  
 390 considered for approval in the order in which they are received  
 391 without regard to whether the credit is for a new or existing  
 392 business. This limitation applies to the value of the credit as  
 393 contained in approved applications. Approved credits may be  
 394 taken in the time and manner allowed pursuant to this section.

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

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

404 (13) It is the responsibility of each business to  
 405 affirmatively demonstrate to the satisfaction of the Department  
 406 of Revenue that it meets the requirements of this section.

407 (14) Any person who fraudulently claims this credit is  
 408 liable for repayment of the credit plus a mandatory penalty of  
 409 100 percent of the credit and is guilty of a misdemeanor of the  
 410 second degree, punishable as provided in s. 775.082 or s.  
 411 775.083.

412 (15) A corporation may take the credit under this section  
 413 against its corporate income tax liability, as provided in s.

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414 220.1895. However, a corporation that applies its job tax credit  
415 against the tax imposed by chapter 220 may not receive the  
416 credit provided for in this section. A credit may be taken  
417 against only one tax.

418 (16) The department shall adopt rules governing the manner  
419 and form of applications for credit and may establish guidelines  
420 concerning the requisites for an affirmative showing of  
421 qualification for the credit under this section.

422 Section 3. Section 220.1895, Florida Statutes, is amended  
423 to read:

424 220.1895 Rural Job Tax Credit and Designated Urban ~~High~~  
425 ~~Crime Area~~ Job Tax Credit.--There shall be allowed a credit  
426 against the tax imposed by this chapter amounts approved by the  
427 Office of Tourism, Trade, and Economic Development pursuant to  
428 the Rural Job Tax Credit Program in s. 212.098 and the  
429 Designated Urban ~~High-Crime Area~~ Job Tax Credit Area Program in  
430 s. 212.097. A corporation that uses its credit against the tax  
431 imposed by this chapter may not take the credit against the tax  
432 imposed by chapter 212. If any credit granted under this section  
433 is not fully used in the first year for which it becomes  
434 available, the unused amount may be carried forward for a period  
435 not to exceed 5 years. The carryover may be used in a subsequent  
436 year when the tax imposed by this chapter for such year exceeds  
437 the credit for such year under this section after applying the  
438 other credits and unused credit carryovers in the order provided  
439 in s. 220.02(8).

440 Section 4. Subsection (2) and paragraph (j) of subsection  
441 (3) of section 288.99, Florida Statutes, are amended to read:



442 288.99 Certified Capital Company Act.--

443 (2) PURPOSE.--The primary purpose of this act is to  
 444 stimulate a substantial increase in venture capital investments  
 445 in this state by providing an incentive for insurance companies  
 446 to invest in certified capital companies in this state which, in  
 447 turn, will make investments in new businesses or in expanding  
 448 businesses, including minority-owned or minority-operated  
 449 businesses and businesses located in a designated Front Porch  
 450 community, enterprise zone, designated urban job tax credit  
 451 ~~high-crime~~ area, rural job tax credit county, or nationally  
 452 recognized historic district. The increase in investment capital  
 453 flowing into new or expanding businesses is intended to  
 454 contribute to employment growth, create jobs which exceed the  
 455 average wage for the county in which the jobs are created, and  
 456 expand or diversify the economic base of this state.

457 (3) DEFINITIONS.--As used in this section, the term:

458 (j) "Qualified business" means the Digital Divide Trust  
 459 Fund established under the State of Florida Technology Office or  
 460 a business that meets the following conditions as evidenced by  
 461 documentation required by commission rule:

462 1. The business is headquartered in this state and its  
 463 principal business operations are located in this state or at  
 464 least 75 percent of the employees are employed in the state.

465 2. At the time a certified capital company makes an  
 466 initial investment in a business, the business would qualify for  
 467 investment under 13 C.F.R. s. 121.301(c), which is involved in  
 468 manufacturing, processing or assembling products, conducting  
 469 research and development, or providing services.

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470           3. At the time a certified capital company makes an  
471 initial investment in a business, the business certifies in an  
472 affidavit that:

473           a. The business is unable to obtain conventional  
474 financing, which means that the business has failed in an  
475 attempt to obtain funding for a loan from a bank or other  
476 commercial lender or that the business cannot reasonably be  
477 expected to qualify for such financing under the standards of  
478 commercial lending;

479           b. The business plan for the business projects that the  
480 business is reasonably expected to achieve in excess of \$25  
481 million in sales revenue within 5 years after the initial  
482 investment, or the business is located in a designated Front  
483 Porch community, enterprise zone, designated urban job tax  
484 credit ~~high-crime~~ area, rural job tax credit county, or  
485 nationally recognized historic district;

486           c. The business will maintain its headquarters in this  
487 state for the next 10 years and any new manufacturing facility  
488 financed by a qualified investment will remain in this state for  
489 the next 10 years, or the business is located in a designated  
490 Front Porch community, enterprise zone, designated urban job tax  
491 credit ~~high-crime~~ area, rural job tax credit county, or  
492 nationally recognized historic district; and

493           d. The business has fewer than 200 employees and at least  
494 75 percent of the employees are employed in this state. For  
495 purposes of this subsection, the term also includes the Florida  
496 Black Business Investment Board, any entity majority owned by  
497 the Florida Black Business Investment Board, or any entity in

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498 | which the Florida Black Business Investment Board holds a  
499 | majority voting interest on the board of directors.

500 | 4. The term does not include:

501 | a. Any business predominantly engaged in retail sales,  
502 | real estate development, insurance, banking, lending, or oil and  
503 | gas exploration.

504 | b. Any business predominantly engaged in professional  
505 | services provided by accountants, lawyers, or physicians.

506 | c. Any company that has no historical revenues and either  
507 | has no specific business plan or purpose or has indicated that  
508 | its business plan is solely to engage in a merger or acquisition  
509 | with any unidentified company or other entity.

510 | d. Any company that has a strategic plan to grow through  
511 | the acquisition of firms with substantially similar business  
512 | which would result in the planned net loss of Florida-based jobs  
513 | over a 12-month period after the acquisition as determined by  
514 | the office.

515 | Section 5. This act shall take effect July 1, 2006.