

By the Committee on Commerce; and Senator Bennett

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1 A bill to be entitled
2 An act relating to energy economic zones; amending s.
3 377.809, F.S.; requiring the Department of Community
4 Affairs to include in its report on the Energy
5 Economic Zone Pilot Program information relating to
6 incentives available under the program; requiring a
7 community within an energy economic zone pilot program
8 to adopt an ordinance to authorize certain tax
9 incentives; limiting the amount of tax incentives
10 available; requiring the local government having
11 jurisdiction over the energy economic zone to track
12 the use of incentives under the program; providing
13 definitions; amending s. 212.08, F.S.; exempting
14 certain building materials used in the construction or
15 rehabilitation of energy-efficient structures from the
16 tax on sales, use, and other transactions; authorizing
17 the Department of Revenue to adopt rules; providing
18 definitions; exempting certain business property used
19 in an energy economic zone from the tax on sales, use,
20 and other transactions; authorizing the Department of
21 Revenue to adopt rules; providing definitions;
22 exempting clean technology and manufacturing products
23 used in energy economic zones from the tax on sales
24 use and other transactions; creating s. 220.195, F.S.;
25 providing definitions; creating an energy economic
26 zone jobs tax credit; providing credit eligibility
27 requirements; providing limits on the amount of
28 credits that may be granted; providing application
29 requirements; providing criminal penalties for

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30 fraudulent or grossly exaggerated tax credit claims;
31 authorizing the Department of Revenue to adopt rules;
32 creating s. 220.196, F.S.; creating the energy
33 economic zone pilot program property tax credit;
34 providing credit eligibility requirements; providing
35 notice reporting requirements; providing requirements
36 for businesses claiming the tax credit; authorizing
37 the Department of Revenue to adopt rules for certain
38 purposes; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Section 377.809, Florida Statutes, is amended to
43 read:

44 377.809 Energy Economic Zone Pilot Program.—

45 (1) The Department of Community Affairs, in consultation
46 with the Department of Transportation, shall implement an Energy
47 Economic Zone Pilot Program for the purpose of developing a
48 model to help communities cultivate green economic development,
49 encourage renewable electric energy generation, manufacture
50 products that contribute to energy conservation and green jobs,
51 and further implement chapter 2008-191, Laws of Florida,
52 relative to discouraging sprawl and developing energy-efficient
53 land use patterns and greenhouse gas reduction strategies. The
54 Office of Tourism, Trade, and Economic Development and the
55 Florida Energy and Climate Commission shall provide technical
56 assistance to the departments in developing and administering
57 the program.

58 (2) (a) The application for a pilot project shall:

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59 1. Identify the proposed location of the energy economic
60 zone, which must be within an adopted urban service area and may
61 include a county landfill outside the urban service boundary;

62 2. Present a proposed strategic plan for development and
63 redevelopment in the energy economic zone;

64 3. Demonstrate consistency of the strategic plan with the
65 local comprehensive plan or include proposed plan amendments
66 necessary to achieve consistency; and

67 4. Identify comprehensive plan amendments that will be
68 proposed to implement chapter 2008-191, Laws of Florida.

69 (b) The strategic plan under subparagraph (a)1. must
70 include mixed-use and form-based standards that integrate
71 multimodal transportation facilities with land use and
72 development patterns to reduce reliance on automobiles,
73 encourage certified green building developments and renewable
74 energy systems, encourage creation of green jobs, and
75 demonstrate how local financial and regulatory incentives will
76 be used in the energy economic zone.

77 (c) The Department of Community Affairs shall grant at
78 least one application if the application meets the requirements
79 of this subsection and the community has demonstrated a prior
80 commitment to energy conservation, carbon reduction, green
81 building, and economic development. The Department of Community
82 Affairs and the Office of Tourism, Trade, and Economic
83 Development shall provide the pilot community, including
84 businesses within the energy economic zone, with technical
85 assistance in identifying and qualifying for eligible grants and
86 credits in job creation, energy, and other areas.

87 (3) The Department of Community Affairs, with the

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88 assistance of the Office of Tourism, Trade, and Economic
89 Development, shall submit an interim report by February 15,
90 2010, to the Governor, the President of the Senate, and the
91 Speaker of the House of Representatives regarding the status of
92 the pilot program. The report shall contain any recommendations
93 deemed appropriate by the department for statutory changes to
94 accomplish the goals of the pilot program community, including
95 whether it would be beneficial to provide financial incentives
96 similar to those offered to an enterprise zone.

97 ~~(4) If the pilot project is ongoing,~~ The Department of
98 Community Affairs, with the assistance of the Office of Tourism,
99 Trade, and Economic Development, shall submit a report to the
100 Governor, the President of the Senate, and the Speaker of the
101 House of Representatives by February 15, 2012, evaluating
102 whether the pilot program has demonstrated success. The report
103 shall contain recommendations with regard to whether the program
104 should be expanded for use by other local governments, whether
105 incentives should be revised, renewed, or expanded, and whether
106 state policies should be revised to encourage the goals of the
107 program.

108 (5) The incentives in ss. 220.195, 220.196, and
109 212.08(5)(q), (r), and (7)(ggg) are available to eligible
110 businesses by adoption of the ordinance required by this
111 subsection by the local government having jurisdiction over a
112 community within an Energy Economic Zone Pilot Program in order
113 to cultivate green economic development, encourage renewable
114 energy generation and implementation, manufacture products that
115 contribute to energy efficiency investments, conservation, and
116 green jobs, reduce reliance on automobiles, develop energy-

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117 efficient patterns of land use, and reduce greenhouse gas
118 emissions. In order for such incentives to be authorized, the
119 community within the pilot program must adopt an ordinance that:

120 (a) Designates the energy economic zone by ordinance and
121 certifies to the Department of Community Affairs and the Office
122 of Tourism, Trade, and Economic Development that the community's
123 developments are eligible to receive the incentives.

124 (b) Describes the energy efficiency investments, clean
125 technology industries, and businesses that will be eligible to
126 receive the incentives.

127 (c) Identifies the Leadership in Energy and Environmental
128 Design (LEED) standards or standards of another professionally
129 promulgated green building code which are applicable for
130 eligibility for the exemptions provided in s. 212.08(5) for
131 building materials, business property, and clean technology
132 products within the pilot program community's energy economic
133 zone.

134 (d) Identifies a list, in consultation with the Florida
135 Energy Systems Consortium, of clean technology and manufacturing
136 products eligible for the exemption provided in s.
137 212.08(7) (ggg).

138 (6) The total amount of credits, refunds, and exemptions
139 which may be granted for incentives under the Energy Economic
140 Zone Pilot Program pursuant to subsection (5) is \$300,000 per
141 energy economic zone in any state fiscal year, for a total
142 maximum allowable of \$600,000 each year. A credit or refund that
143 is claimed after each \$300,000 limit is reached shall be
144 disallowed. If the credit or refund limit is not fully used in
145 any one state fiscal year, the unused amount may be carried

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146 forward for a period not to exceed 5 years. A business receiving
147 the credit may carry over the credit to be used in a subsequent
148 year that the tax for such year exceeds the credit for such year
149 after applying the other credits and unused credit that is
150 carried over. The local governing body having jurisdiction of
151 the energy economic zone is responsible for tracking and
152 accounting for the levels of credits and refunds granted and the
153 carried over credit of unused amounts each year. All credits,
154 refunds, and exemptions shall be reviewed pursuant to subsection
155 (4).

156 (7) As used in this section, the terms "energy efficiency
157 investments" and "clean technology industries and businesses"
158 include a diverse range of products, services, and processes
159 that harness renewable materials and energy sources that
160 significantly reduce the use of natural resources, reduce
161 greenhouse gas emissions, and result in energy conservation.
162 Such products, services, and processes include, but are not
163 limited to:

164 (a) Clean transportation technologies such as advanced
165 battery storage, electric propulsion, fuel cells, hybrid-
166 electric and solar-powered vehicles, and stirling engines.

167 (b) Clean energy technologies such as biofuels, fuel cells,
168 microturbines, photovoltaics, small-scale hydroelectric, and
169 wind power.

170 (c) Clean materials such as biomass materials, biomimetics,
171 green buildings, green chemistry, and phytoremediation.

172 (d) Clean water industries such as biological water
173 filtration, decentralized filtration systems, small-scale
174 desalination, ultraviolet purification, and wetlands

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175 restoration.

176 (e) Investments, including improvements to real property,
177 that result in a structure that meets Leadership in Energy and
178 Environmental Design (LEED) standards.

179 (f) Investments, including improvements to real property,
180 which result in a business that meets Green Lodging Standards.

181 Section 2. Paragraphs (q) and (r) are added to subsection
182 (5) of section 212.08, Florida Statutes, and paragraph (ggg) is
183 added to subsection (7) of that section, to read:

184 212.08 Sales, rental, use, consumption, distribution, and
185 storage tax; specified exemptions.—The sale at retail, the
186 rental, the use, the consumption, the distribution, and the
187 storage to be used or consumed in this state of the following
188 are hereby specifically exempt from the tax imposed by this
189 chapter.

190 (5) EXEMPTIONS; ACCOUNT OF USE.—

191 (q) Building materials used in the construction or
192 rehabilitation of energy-efficient structures on real property
193 located in an energy economic zone.—

194 1. Building materials that are used in the construction or
195 rehabilitation of real property located in an energy economic
196 zone designated pursuant to s. 377.809 are exempt from taxes
197 imposed under this chapter on materials used for energy-
198 efficient or green structures if such materials meet Leadership
199 in Energy and Environmental Design (LEED) standards, Florida
200 Green Lodging Standards, or the standards of another
201 professionally promulgated green building code as approved and
202 defined by the local governing body having jurisdiction of the
203 energy economic zone pursuant to s. 377.809(5). Except as

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204 provided in subparagraph 2., this exemption inures to the owner,
205 lessee, or lessor of the real property located in an energy
206 economic zone only through a refund of previously paid taxes. To
207 receive a refund pursuant to this paragraph, the owner, lessee,
208 or lessor of the real property located in an energy economic
209 zone must file an application under oath with the governing body
210 of the local government having jurisdiction over the energy
211 economic zone where the business is located, as applicable,
212 which includes:

213 a. The name and address of the person claiming the refund.

214 b. An address and assessment roll parcel number of the real
215 property for which a refund of previously paid taxes is being
216 sought.

217 c. A description of the materials and energy-efficient
218 construction used to construct or rehabilitate the energy-
219 efficient structure.

220 d. A copy of the building permit issued for the
221 construction of the real property.

222 e. A sworn statement, under the penalty of perjury, from
223 the general contractor licensed in this state with whom the
224 applicant contracted to accomplish the energy-efficient
225 construction or rehabilitation of the real property, which
226 statement lists the building materials used, the actual cost of
227 the building materials, and the amount of sales tax paid in this
228 state on the building materials. If a general contractor has not
229 been used, the applicant shall provide this information in a
230 sworn statement, under the penalty of perjury. Copies of the
231 invoices that evidence the purchase of the building materials
232 used in such rehabilitation and the payment of sales tax on the

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233 building materials must be attached to the sworn statement
234 provided by the general contractor or by the applicant.

235 f. The identification of the energy economic zone in which
236 the energy-efficient structure constructed or rehabilitated is
237 located.

238 g. A certification by the local building code inspector
239 that the improvements necessary to accomplish the construction
240 or rehabilitation of the real property are substantially
241 complete.

242 h. Whether the business is a small business as defined in
243 s. 288.703(1).

244 i. If applicable, the name and address of each permanent
245 employee of the business, indicating those employees who reside
246 in the energy economic zone or an enterprise zone.

247 2. Within 30 working days after receipt of an application,
248 the local government having jurisdiction over the energy
249 economic zone shall review the application to determine if it
250 contains all the information required pursuant to subparagraph
251 1. and meets the criteria set out in this paragraph. The local
252 government shall certify all applications that contain the
253 information required pursuant to subparagraph 1. and meet the
254 criteria set out in this paragraph as eligible to receive a
255 refund. The certification shall be in writing, and a copy of the
256 certification shall be transmitted to the executive director of
257 the Department of Revenue. The applicant is responsible for
258 forwarding a certified application to the department within the
259 time specified in subparagraph 3. The local government may
260 charge a reasonable administrative fee for reviewing and
261 processing applications.

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262 3. An application for a refund pursuant to this paragraph
263 must be submitted to the department within 6 months after the
264 construction of the property is deemed to be substantially
265 complete by the local building code inspector or by September 1
266 after the rehabilitated property is first subject to assessment.

267 4. Not more than one exemption through a refund of
268 previously paid taxes for the construction of real property is
269 permitted for any single parcel of property unless there is a
270 change in ownership between unrelated parties, a new lessor, or
271 a new lessee, other than related parties. A refund may not be
272 granted pursuant to this paragraph unless the amount to be
273 refunded exceeds \$500. A refund granted pursuant to this
274 paragraph may not exceed the lesser of 97 percent of the state
275 sales and use tax paid on the cost of the building materials
276 used in the construction of the real property as determined
277 pursuant to sub-subparagraph 1.e. or \$5,000, or, if no fewer
278 than 20 percent of the employees of the business are residents
279 of an energy economic zone or an enterprise zone, excluding
280 temporary and part-time employees, the amount of refund granted
281 pursuant to this paragraph may not exceed the lesser of 97
282 percent of the sales tax paid on the cost of such building
283 materials or \$10,000. A refund approved by the department
284 pursuant to this paragraph shall be made within 30 days after
285 formal approval of the application, which determination shall be
286 made within 30 days after receiving the application.

287 5. The department may adopt rules governing the manner and
288 form of refund applications and may establish guidelines as to
289 the requisites for an affirmative showing of qualification for
290 exemption under this paragraph.

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- 291 6. As used in this paragraph the term:
- 292 a. "Building materials" means tangible personal property
293 that becomes a component part of construction and improvements
294 to real property.
- 295 b. "Real property" has the same meaning as provided in s.
296 192.001(12), except that the term does not include a condominium
297 or condominium property as defined in s. 718.013.
- 298 c. "Energy-efficient construction" means the construction,
299 renovation, restoration, rehabilitation, or expansion of
300 improvements to real property resulting in a structure that
301 meets Leadership in Energy and Environmental Design (LEED)
302 standards or standards of another professionally promulgated
303 green building code as defined and approved by the local
304 governing body having jurisdiction over the energy economic
305 zone.
- 306 d. "Energy-efficient structures" means structures that meet
307 LEED-certified buildings standards or that, upon issuance of a
308 certificate of completion or business tax receipt, meet Green
309 Lodging Standards, or standards of another professionally
310 promulgated green building code as defined and approved by the
311 local governing body having jurisdiction of the energy economic
312 zone pursuant to s. 377.809(5).
- 313 e. "Substantially completed" has the same meaning as
314 provided in s. 192.042(1).
- 315 7. The total amount of refunds that may be granted under
316 this section is subject to the limits in s. 377.809(6).
- 317 (r) Business property used in an energy economic zone.—
- 318 1. Business property purchased for use by businesses
319 located in an energy economic zone designated pursuant to s.

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320 377.809 is exempt from the tax imposed by this chapter by
321 approval of the local governing body of the jurisdiction in
322 which the energy economic zone is located. This exemption inures
323 to the business only through a refund of previously paid taxes.
324 A refund shall be authorized upon an affirmative showing by the
325 taxpayer to the satisfaction of the local governing body and the
326 department that the requirements of this paragraph have been
327 met.

328 2. To receive a refund, the business must certify to the
329 local government having jurisdiction over the energy economic
330 zone in which the business is located, as applicable, an
331 application that includes:

332 a. The name and address of the business claiming the
333 refund.

334 b. A specific description of the property for which a
335 refund is sought, including its serial number or other permanent
336 identification number.

337 c. The location of the property.

338 d. The sales invoice or other proof of purchase of the
339 property, showing the amount of sales tax paid, the date of
340 purchase, and the name and address of the sales tax dealer from
341 whom the property was purchased.

342 e. Whether the business is a small business as defined by
343 s. 288.703.

344 f. If applicable, the name and address of each permanent
345 employee of the business, indicating those employees who reside
346 in the energy economic zone.

347 3. An application for a refund pursuant to this paragraph
348 must be submitted to the local government having jurisdiction

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349 over the energy economic zone within 6 months after the tax is
350 due on the business property that is purchased.

351 4. Within 30 business days after receipt of an application,
352 the local government shall review the application to determine
353 if it contains all the information required pursuant to
354 subparagraph 2. and meets the criteria set out in this
355 paragraph. After review, the certified application shall be
356 transmitted to the department.

357 5. The amount refunded on purchases of business property
358 under this paragraph is the lesser of 97 percent of the sales
359 tax paid on such business property or \$5,000, or, if at least 20
360 percent of the employees of the business are residents of an
361 energy economic zone or an enterprise zone, excluding temporary
362 and part-time employees, the amount refunded on purchases of
363 business property under this paragraph shall be the lesser of 97
364 percent of the sales tax paid on such business property or
365 \$10,000. A refund approved pursuant to this paragraph is within
366 30 days after formal approval by the department of the
367 application for the refund. A refund may not be granted under
368 this paragraph unless the amount to be refunded exceeds \$100 in
369 sales tax paid on purchases made within a 60-day period.

370 6. The department shall adopt rules governing the manner
371 and form of refund applications and may establish guidelines as
372 to the requisites for an affirmative showing of qualification
373 for exemption under this paragraph.

374 7. If the department determines that the business property
375 is used outside an energy economic zone within 3 years after the
376 date of purchase, the amount of taxes refunded to the business
377 purchasing such business property shall immediately be due and

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378 payable to the department by the business, together with the
379 appropriate interest and penalty, computed from the date of
380 purchase, in the manner provided by this chapter.

381 8. As used in this paragraph, the term, "business property"
382 means new or used tangible personal property having a sales
383 price of at least \$1,000 and used in an energy economic zone by
384 a clean technology industry or business or in implementing clean
385 technologies and energy efficiency investments in an existing
386 business as approved and defined pursuant to s. 377.809.

387 9. The total amount of refunds that may be granted under
388 this section is subject to the limits in s. 377.809(6).

389 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
390 entity by this chapter do not inure to any transaction that is
391 otherwise taxable under this chapter when payment is made by a
392 representative or employee of the entity by any means,
393 including, but not limited to, cash, check, or credit card, even
394 when that representative or employee is subsequently reimbursed
395 by the entity. In addition, exemptions provided to any entity by
396 this subsection do not inure to any transaction that is
397 otherwise taxable under this chapter unless the entity has
398 obtained a sales tax exemption certificate from the department
399 or the entity obtains or provides other documentation as
400 required by the department. Eligible purchases or leases made
401 with such a certificate must be in strict compliance with this
402 subsection and departmental rules, and any person who makes an
403 exempt purchase with a certificate that is not in strict
404 compliance with this subsection and the rules is liable for and
405 shall pay the tax. The department may adopt rules to administer
406 this subsection.

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407 (ggg) Clean technology and manufacturing products.—Clean
408 technology and manufacturing products used in energy economic
409 zones, specified in an ordinance adopted pursuant to s.
410 377.809(5), are exempt from the tax imposed by this chapter. The
411 local governing body of the jurisdiction in which the energy
412 economic zone is located, upon consulting with the Florida
413 Energy Systems Consortium, shall provide the department a list
414 of clean technology and manufacturing products eligible for the
415 exemption by December 31, 2010, and shall update the list at
416 least every 2 years. The total amount of refunds which may be
417 granted under this paragraph is subject to the limits in s.
418 377.809(6).

419 Section 3. Section 220.195, Florida Statutes, is created to
420 read:

421 220.195 Energy economic zone jobs tax credit.—

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

423 (a) "Eligible business" means an eligible clean technology
424 business or any business making an energy-efficiency investment
425 which is located in an energy economic zone designated pursuant
426 to s. 377.809 and which is authorized to receive credits by the
427 ordinance adopted under s. 377.809(5).

428 (b) "Qualified employee" means a resident of this state
429 who:

430 1. Is first employed by an eligible business on or after
431 July 1, 2011;

432 2. Is not an owner, partner, or majority stockholder of an
433 eligible business; and

434 3. Is employed by an eligible business for at least 6
435 months.

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436 (2) (a) A credit against the tax imposed under this chapter
437 may be claimed by an eligible business for compensation paid to
438 a qualified employee.

439 (b) The credit authorized by this subsection shall equal 10
440 percent of the compensation paid for the first 2 years of
441 employment in this state by an eligible business. However, the
442 credit shall equal 20 percent of the compensation payroll for
443 those same years if the employee resides within the designated
444 energy economic zone or an enterprise zone.

445 (c) The credit authorized by this subsection may not exceed
446 \$5,000 annually for each qualified employee except for employees
447 who reside in the designated energy economic zone, in which case
448 the credit may not exceed \$ 10,000.

449 (d) This credit applies only with respect to wages subject
450 to unemployment tax.

451 (e) In order to be eligible for this credit, the qualified
452 employee must receive an annual salary at a minimum of the
453 average statewide annual salary or the average salary of the
454 metropolitan statistical area where the energy economic zone is
455 located.

456 (f) The credit authorized by this subsection is in addition
457 to any credit available to the business due to its location
458 within a designated enterprise zone.

459 (3) The total amount of credits which may be granted under
460 this section is subject to the limits in s. 377.809(6).

461 (4) (a) An eligible clean technology business must apply to
462 the local governing body of the community within an energy
463 economic zone pilot project for authorization to claim an energy
464 economic zone tax credit. The application must be filed under

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465 oath and include:

466 1. The name and address of the business and documentation
467 that the business is an eligible clean technology business.

468 2. For each employee for which a tax credit is sought:

469 a. The employee's name and documentation that the employee
470 is a qualified employee.

471 b. The salary or hourly wages, including the hourly wages
472 subject to unemployment tax paid to the qualified employee.

473 (b) The applicant for a tax credit has the burden of
474 demonstrating to the satisfaction of the local governing body
475 and the department that it meets the requirements of this
476 section.

477 (c) Within 30 business days after receipt of an
478 application, the local government of the jurisdiction in which
479 the energy economic zone is located shall certify an application
480 if it contains the information required pursuant to this section
481 and meets the criteria set out in this section as eligible to
482 receive a credit. If applicable, the local government shall also
483 certify the number and identify the employees of the business
484 who are residents of the energy economic zone or an enterprise
485 zone, excluding temporary and part-time employees. The
486 certification shall be in writing and a copy of the
487 certification shall be provided to the department. The business
488 is responsible for forwarding a certified application to the
489 department.

490 (d) The taxpayer must affirmatively demonstrate to the
491 satisfaction of the local government and the department that it
492 meets the requirements of this section.

493 (5) An eligible business may not carry over more tax

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494 credits in an amended return than were claimed on the original
495 return for the taxable year.

496 (6) (a) Any person who fraudulently claims this credit is
497 liable for repayment of the credit, plus a mandatory penalty in
498 the amount of 200 percent of the credit, plus interest at the
499 rate provided in s. 220.807, and commits a felony of the third
500 degree, punishable as provided in s. 775.082, s. 775.083, or s.
501 775.084.

502 (b) Any person who makes an underpayment of tax as a result
503 of a grossly overstated claim for this credit commits a felony
504 of the third degree, punishable as provided in s. 775.082, s.
505 775.083, or s. 775.084. As used in this paragraph, the term
506 "grossly overstated claim" means a claim in an amount in excess
507 of 100 percent of the amount of credit allowable under this
508 section.

509 (7) The department may adopt rules to prescribe any
510 necessary forms required to claim a tax credit under this
511 section and to provide guidelines and procedures required to
512 administer the provisions of this section.

513 (8) The total amount of credits which may be granted under
514 this section is subject to the limits provided in s. 377.809(6).

515 Section 4. Section 220.196, Florida Statutes, is created to
516 read:

517 220.196 Energy Economic Zone Pilot Program property tax
518 credit.-

519 (1) (a) There shall be allowed a credit against the tax
520 imposed by this chapter to any business that establishes a new
521 business as defined in s. 220.03, makes an expansion of an
522 existing business as defined in s. 220.03, or rebuilds an

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523 existing business as defined in s. 220.03 for eligible
524 businesses as approved and defined in s. 377.809 located in an
525 energy economic zone designated pursuant to s. 377.809. The
526 credit shall be computed annually as ad valorem taxes paid in
527 this state, in the case of a new business; the additional ad
528 valorem tax paid in this state resulting from assessments on
529 additional real or tangible personal property acquired to
530 facilitate the expansion of an existing business; or the ad
531 valorem taxes paid in this state resulting from assessments on
532 property replaced or restored, in the case of a rebuilt
533 business, including pollution and waste control facilities, or
534 any part thereof, and including one or more buildings or other
535 structures, machinery, fixtures, and equipment.

536 (b) If the credit granted pursuant to this section is not
537 fully used in any one year, the unused amount may be carried
538 forward for a period not to exceed 4 years. The carryover credit
539 may be used in a subsequent year when the tax imposed by this
540 chapter for such year exceeds the credit for such year under
541 this section after applying the other credits and unused credit
542 carryovers. The amount of credit taken under this section in any
543 one year, however, may not exceed \$25,000 or, if at least 20
544 percent of the employees of the business are residents of the
545 energy economic zone or an enterprise zone, the amount may not
546 exceed \$50,000.

547 (2) To be eligible to receive an expanded energy economic
548 zone property tax credit of up to \$50,000, the business must
549 provide a statement, under oath, on the form prescribed by the
550 department for claiming the credit authorized by this section,
551 that at least 20 percent of its employees, excluding temporary

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552 and part-time employees, are residents of the energy economic
553 zone or a designated enterprise zone. It shall be a condition
554 precedent to the granting of each annual tax credit that such
555 employment requirements be fulfilled throughout each year during
556 the 5-year period of the credit. The statement shall set forth
557 the name and place of residence of each permanent employee on
558 the last day of business of the tax year for which the credit is
559 claimed or, if the employee is no longer employed or eligible
560 for the credit on that date, the last calendar day of the last
561 full calendar month that the employee was employed or eligible
562 for the credit at the relevant site.

563 (3) The credit is available to a new business for a period
564 not to exceed the year in which ad valorem taxes are first
565 levied against the business and the 4 years immediately
566 thereafter. The credit is available to an expanded existing
567 business for a period not to exceed the year in which ad valorem
568 taxes are first levied on additional real or tangible personal
569 property acquired to facilitate the expansion or rebuilding and
570 the 4 years immediately thereafter. A business may not claim the
571 credit authorized by this section for more than 5 consecutive
572 years, except for any credit amount attributable to the
573 carryover of a previously earned credit.

574 (4) To be eligible for an energy economic zone property tax
575 credit, a new, expanded, or rebuilt business shall file a notice
576 with the property appraiser of the county in which the business
577 property is located or to be located. The notice shall be filed
578 no later than April 1 of the year in which new or additional
579 real or tangible personal property acquired to facilitate such
580 new, expanded, or rebuilt facility is first subject to

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581 assessment. The notice shall be made on a form prescribed by the
582 department and shall include separate descriptions of:

583 (a) Real and tangible personal property owned or leased by
584 the business prior to expansion, if any.

585 (b) Net new or additional real and tangible personal
586 property acquired to facilitate the new, expanded, or rebuilt
587 facility.

588 (5) When filing for an energy economic zone property tax
589 credit as a new business, a business shall include a copy of its
590 receipt indicating payment of ad valorem taxes for the current
591 year.

592 (6) When filing for an energy economic zone property tax
593 credit as an expanded or rebuilt business, a business shall
594 include copies of its receipts indicating payment of ad valorem
595 taxes for the current year for prior existing property and for
596 expansion-related or rebuilt property.

597 (7) The receipts described in subsections (5) and (6) shall
598 indicate the assessed value of the property, the property taxes
599 paid, a brief description of the property, and an indication, if
600 applicable, that the property was separately assessed as
601 expansion-related or rebuilt property.

602 (8) The department may adopt rules to administer the
603 provisions of this section.

604 (9) The taxpayer has the responsibility to affirmatively
605 demonstrate to the satisfaction of the local government having
606 jurisdiction of the energy economic zone and the department that
607 he or she meets the requirements of this section.

608 (10) When claiming an energy economic zone property tax
609 credit as an expansion of an existing business or as a new

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610 business, it is a condition precedent to the granting of each
611 annual tax credit that there have been, throughout each year
612 during the 5-year period, at least five more employees than in
613 the year preceding the initial granting of the credit.

614 (11) To apply for an energy economic zone property tax
615 credit, a new, expanded, or rebuilt business must file under
616 oath with the local government having jurisdiction over the
617 energy economic zone where the business is located an
618 application prescribed by the department for claiming the credit
619 authorized by this section. Within 30 business days after
620 receipt of an application, the local government shall review and
621 certify as applicable all applications that contain the
622 information required pursuant to this section and meet the
623 criteria set out in this section as eligible to receive a
624 credit. If applicable, the local government shall also certify
625 whether at least 20 percent of the employees of the business are
626 residents of an energy economic zone or designated enterprise
627 zone, excluding temporary and part-time employees. The
628 certification shall be in writing, and a copy of the
629 certification shall be transmitted to the department. The
630 business is responsible for forwarding all certified
631 applications to the department.

632 (12) When filing for an energy economic zone property tax
633 credit, a business shall include identification of the
634 designated energy economic zone in which the business is
635 located.

636 (13) When filing for an energy economic zone property tax
637 credit, a business shall indicate whether the business is a
638 small business as defined by s. 288.703.

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639 (14) The total amount of credits which may be granted under
640 this section is subject to the limits provided in s. 377.809(6).
641 Section 5. This act shall take effect July 1, 2010.