

1 A bill to be entitled
2 An act relating to enterprise zones; amending ss.
3 290.0055, 290.0058, and 290.0065, F.S.; revising criteria
4 for the designation of enterprise zones; deleting
5 pervasive poverty from such criteria; revising the maximum
6 number of enterprise zones authorized; amending s.
7 290.0057, F.S.; revising requirements for the contents of
8 enterprise zone strategic plans; creating s. 290.0076,
9 F.S.; authorizing Lake County to apply to the Office of
10 Tourism, Trade, and Economic Development for designation
11 of an enterprise zone; providing requirements; requiring
12 the office to establish an effective date for the
13 designated enterprise zone; reenacting s. 290.016, F.S.,
14 relating to the scheduled repeal of the Florida Enterprise
15 Zone Act; amending s. 163.2514, F.S.; revising definition
16 of the term "urban infill and redevelopment area" for
17 purposes of the Growth Policy Act to conform; amending s.
18 288.0659, F.S.; revising the evaluation criteria for award
19 of grants under the Local Government Distressed Area
20 Matching Grant Program to conform; amending s. 212.08,
21 F.S.; revising the maximum tax refunds for building
22 materials and business property used in an enterprise
23 zone; deleting provisions for tax refunds based upon a
24 certain percentage of employees residing in an enterprise
25 zone; revising definition of the term "business property"
26 to revise an exemption from the tax refunds for such
27 property used in an enterprise zone; amending ss. 212.096,
28 220.03, 220.181, and 220.182, F.S.; revising and defining

29 terms; revising the enterprise zone jobs credits against
 30 the sales and use tax and corporate income tax, and the
 31 enterprise zone property tax credit, to include credit for
 32 part-time employment; deleting provisions for tax credits
 33 based upon employment of persons residing in enterprise
 34 zones; deleting obsolete provisions and conforming
 35 provisions; amending ss. 193.077, 193.085, 212.06, 220.02,
 36 220.183, 220.193, 288.1045, 288.106, 290.00677, and
 37 624.5105, F.S.; conforming provisions; providing for
 38 application; providing an effective date.

39

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

41

42 Section 1. Paragraph (a) of subsection (1) and paragraph
 43 (c) of subsection (4) of section 290.0055, Florida Statutes, are
 44 amended to read:

45 290.0055 Local nominating procedure.—

46 (1) If, pursuant to s. 290.0065, an opportunity exists for
 47 designation of a new enterprise zone, any county or
 48 municipality, or a county and one or more municipalities
 49 together, may apply to the office for the designation of an area
 50 as an enterprise zone after completion of the following:

51 (a) The adoption by the governing body or bodies of a
 52 resolution which:

53 1. Finds that an area exists in such county or
 54 municipality, or in both the county and one or more
 55 municipalities, which chronically exhibits extreme and
 56 unacceptable levels of ~~poverty~~, unemployment, physical

57 deterioration, and economic disinvestment;

58 2. Determines that the rehabilitation, conservation, or
 59 redevelopment, or a combination thereof, of such area is
 60 necessary in the interest of the public health, safety, and
 61 welfare of the residents of such county or municipality, or such
 62 county and one or more municipalities; and

63 3. Determines that the revitalization of such area can
 64 occur only if the private sector can be induced to invest its
 65 own resources in productive enterprises that build or rebuild
 66 the economic viability of the area.

67 (4) An area nominated by a county or municipality, or a
 68 county and one or more municipalities together, for designation
 69 as an enterprise zone shall be eligible for designation under s.
 70 290.0065 only if it meets the following criteria:

71 (c) The selected area suffers from unacceptable levels of
 72 ~~pervasive poverty~~, unemployment, and general distress, as
 73 described and measured pursuant to s. 290.0058.

74 Section 2. Paragraph (c) of subsection (1) of section
 75 290.0057, Florida Statutes, is amended to read:

76 290.0057 Enterprise zone development plan.—

77 (1) Any application for designation as a new enterprise
 78 zone must be accompanied by a strategic plan adopted by the
 79 governing body of the municipality or county, or the governing
 80 bodies of the county and one or more municipalities together. At
 81 a minimum, the plan must:

82 (c) Identify and describe key community goals and the
 83 barriers that restrict the community from achieving these goals,
 84 including a description of unemployment ~~poverty~~ and general

85 distress, barriers to economic opportunity and development, and
 86 barriers to human development.

87 Section 3. Section 290.0058, Florida Statutes, is amended
 88 to read:

89 290.0058 Determination of unacceptable levels of pervasive
 90 ~~poverty,~~ unemployment, and general distress.—

91 (1) In determining whether an area suffers from
 92 unacceptable levels of pervasive poverty, unemployment, and
 93 general distress, for purposes of ss. 290.0055 and 290.0065, the
 94 governing body and the office shall use data from the most
 95 current decennial census, and from information published by the
 96 Bureau of the Census and the Bureau of Labor Statistics. The
 97 data shall be comparable in point or period of time and
 98 methodology employed.

99 ~~(2) Pervasive poverty shall be evidenced by a showing that~~
 100 ~~poverty is widespread throughout the nominated area. The poverty~~
 101 ~~rate of the nominated area shall be established using the~~
 102 ~~following criteria:~~

103 ~~(a) In each census geographic block group within a~~
 104 ~~nominated area, the poverty rate may not be less than 20~~
 105 ~~percent. However, for an area nominated for designation as a~~
 106 ~~rural enterprise zone which does not have a poverty rate of more~~
 107 ~~than 20 percent in each census geographic block group within the~~
 108 ~~nominated area, the poverty rate for the nominated area may be~~
 109 ~~calculated using the poverty rate for the entire county, which~~
 110 ~~may not be less than 20 percent.~~

111 ~~(b) In at least 50 percent of the census geographic block~~
 112 ~~groups within the nominated area, the poverty rate may not be~~

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113 ~~less than 30 percent. This requirement does not apply to an area~~
114 ~~nominated for designation as a rural enterprise zone.~~

115 ~~(c) Census geographic block groups with no population~~
116 ~~shall be treated as having a poverty rate which meets the~~
117 ~~standards of paragraph (a), but shall be treated as having a~~
118 ~~zero poverty rate for purposes of applying paragraph (b).~~

119 ~~(d) A nominated area may not contain a noncontiguous~~
120 ~~parcel unless such parcel separately meets the criteria set~~
121 ~~forth under paragraphs (a) and (b).~~

122 ~~(2)(3)~~ Unemployment must ~~shall~~ be evidenced by data
123 indicating that the average rate of unemployment for the county
124 or municipality in which the nominated area is located is not
125 less than the state's average of unemployment, or by evidence of
126 especially severe economic conditions which have brought about
127 significant job dislocation within the county or municipality in
128 which the nominated area is located.

129 ~~(3)(4)~~ General distress must ~~shall~~ be evidenced by
130 describing adverse conditions within the nominated area other
131 than that ~~those of pervasive poverty and unemployment~~. A high
132 incidence of crime, abandoned structures, land formerly used for
133 agricultural production that is discontinued due to extreme
134 weather or horticultural diseases, a residential mortgage
135 foreclosure rate that exceeds the statewide average,
136 substantially developed but unused or underutilized
137 infrastructure due to economic distress, and deteriorated
138 infrastructure or substantial population decline are examples of
139 appropriate indicators of general distress.

140 ~~(4)(5)~~ In making the calculations required by this

141 section, the local government and the office shall round all
 142 fractional percentages of one-half percent or more up to the
 143 next highest whole percentage figure.

144 Section 4. Subsections (1) and (2), paragraph (a) of
 145 subsection (4), and paragraph (b) of subsection (6) of section
 146 290.0065, Florida Statutes, are amended to read:

147 290.0065 State designation of enterprise zones.—

148 (1) The maximum number of enterprise zones authorized
 149 under this section is the number of enterprise zones having an
 150 effective date on or before January 1, 2005, subject to any
 151 increase due to any new enterprise zones authorized by the
 152 Legislature during the 2005 and 2011 Regular Sessions ~~Session~~ of
 153 the Legislature.

154 (2) If, pursuant to subsection (4), the office does not
 155 redesignate an enterprise zone, a governing body of a county or
 156 municipality or the governing bodies of a county and one or more
 157 municipalities jointly, pursuant to s. 290.0055, may apply for
 158 designation of an enterprise zone to take the place of the
 159 enterprise zone not redesignated and request designation of an
 160 enterprise zone. The office, in consultation with Enterprise
 161 Florida, Inc., shall determine which areas nominated by such
 162 governing bodies meet the criteria outlined in s. 290.0055 and
 163 are the most appropriate for designation as state enterprise
 164 zones. Each application made pursuant to s. 290.0055 shall be
 165 ranked competitively based on the ~~pervasive poverty,~~
 166 ~~unemployment,~~ and general distress of the area; the strategic
 167 plan, including local fiscal and regulatory incentives, prepared
 168 pursuant to s. 290.0057; and the prospects for new investment

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169 and economic development in the area. ~~Pervasive poverty,~~
 170 Unemployment, and general distress shall be weighted 35 percent;
 171 strategic plan and local fiscal and regulatory incentives shall
 172 be weighted 40 percent; and prospects for new investment and
 173 economic development in the area shall be weighted 25 percent.

174 (4) (a) Notwithstanding s. 290.0055, the office may
 175 redesignate any state enterprise zone having an effective date
 176 on or before January 1, 2011 ~~2005~~, as a state enterprise zone
 177 upon completion and submittal to the office by the governing
 178 body for an enterprise zone of the following:

179 1. An updated zone profile for the enterprise zone based
 180 on the most recent census data that complies with s. 290.0055,
 181 ~~except that pervasive poverty criteria may be set aside for~~
 182 ~~rural enterprise zones.~~

183 2. A resolution passed by the governing body for that
 184 enterprise zone requesting redesignation and explaining the
 185 reasons the conditions of the zone merit redesignation.

186 3. Measurable goals for the enterprise zone developed by
 187 the enterprise zone development agency, which may be the goals
 188 established in the enterprise zone's strategic plan.

189
 190 The governing body may also submit a request for a boundary
 191 change in an enterprise zone in the same application to the
 192 office as long as the new area complies with the requirements of
 193 s. 290.0055, ~~except that pervasive poverty criteria may be set~~
 194 ~~aside for rural enterprise zones.~~

195 (6)

196 (b) Such guidelines shall provide for the measurement of

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197 ~~pervasive poverty,~~ unemployment, and general distress using the
 198 criteria outlined by s. 290.0058.

199 Section 5. Section 290.0076, Florida Statutes, is created
 200 to read:

201 290.0076 Enterprise zone designation for Lake County.—Lake
 202 County may apply to the Office of Tourism, Trade, and Economic
 203 Development for designation of one enterprise zone encompassing
 204 an area not to exceed 10 square miles. The application must be
 205 submitted by December 31, 2011. Notwithstanding the provisions
 206 of s. 290.0065 limiting the total number of enterprise zones
 207 designated and the number of enterprise zones within a
 208 population category, the Office of Tourism, Trade, and Economic
 209 Development may designate one enterprise zone under this
 210 section. The Office of Tourism, Trade, and Economic Development
 211 shall establish the initial effective date of the enterprise
 212 zone designated pursuant to this section.

213 Section 6. Section 290.016, Florida Statutes, is reenacted
 214 to read:

215 290.016 Repeal.—Sections 290.001-290.014 are repealed
 216 December 31, 2015.

217 Section 7. Paragraph (b) of subsection (2) of section
 218 163.2514, Florida Statutes, is amended to read:

219 163.2514 Growth Policy Act; definitions.—As used in ss.
 220 163.2511-163.2523, the term:

221 (2) "Urban infill and redevelopment area" means an area or
 222 areas designated by a local government where:

223 (b) The area, or one or more neighborhoods within the
 224 area, suffers from unacceptable levels of ~~pervasive poverty,~~

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225 unemployment, and general distress as defined in ~~by~~ s. 290.0058;
 226 Section 8. Paragraph (a) of subsection (5) of section
 227 288.0659, Florida Statutes, is amended to read:

228 288.0659 Local Government Distressed Area Matching Grant
 229 Program.—

230 (5) To qualify for a grant, the business being targeted by
 231 a local government must create at least 15 full-time jobs, must
 232 be new to this state, must be expanding its operations in this
 233 state, or would otherwise leave the state absent state and local
 234 assistance, and the local government applying for the grant must
 235 expedite its permitting processes for the target business by
 236 accelerating the normal review and approval timelines. In
 237 addition to these requirements, the office shall review the
 238 grant requests using the following evaluation criteria, with
 239 priority given in descending order:

240 (a) The presence and degree of ~~pervasive poverty,~~
 241 unemployment, and general distress as determined pursuant to s.
 242 290.0058 in the area where the business will locate, with
 243 priority given to locations with greater degrees of ~~poverty,~~
 244 unemployment, and general distress.

245 Section 9. Paragraphs (g) and (h) of subsection (5) of
 246 section 212.08, Florida Statutes, are amended to read:

247 212.08 Sales, rental, use, consumption, distribution, and
 248 storage tax; specified exemptions.—The sale at retail, the
 249 rental, the use, the consumption, the distribution, and the
 250 storage to be used or consumed in this state of the following
 251 are hereby specifically exempt from the tax imposed by this
 252 chapter.

253 (5) EXEMPTIONS; ACCOUNT OF USE.—
 254 (g) Building materials used in the rehabilitation of real
 255 property located in an enterprise zone.—
 256 1. Building materials used in the rehabilitation of real
 257 property located in an enterprise zone are exempt from the tax
 258 imposed by this chapter upon an affirmative showing to the
 259 satisfaction of the department that the items have been used for
 260 the rehabilitation of real property located in an enterprise
 261 zone. Except as provided in subparagraph 2., this exemption
 262 inures to the owner, lessee, or lessor at the time the real
 263 property is rehabilitated, but only through a refund of
 264 previously paid taxes. To receive a refund pursuant to this
 265 paragraph, the owner, lessee, or lessor of the rehabilitated
 266 real property must file an application under oath with the
 267 governing body or enterprise zone development agency having
 268 jurisdiction over the enterprise zone where the business is
 269 located, as applicable. A single application for a refund may be
 270 submitted for multiple, contiguous parcels that were part of a
 271 single parcel that was divided as part of the rehabilitation of
 272 the property. All other requirements of this paragraph apply to
 273 each parcel on an individual basis. The application must
 274 include:
 275 a. The name and address of the person claiming the refund.
 276 b. An address and assessment roll parcel number of the
 277 rehabilitated real property for which a refund of previously
 278 paid taxes is being sought.
 279 c. A description of the improvements made to accomplish
 280 the rehabilitation of the real property.

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281 d. A copy of a valid building permit issued by the county
282 or municipal building department for the rehabilitation of the
283 real property.

284 e. A sworn statement, under penalty of perjury, from the
285 general contractor licensed in this state with whom the
286 applicant contracted to make the improvements necessary to
287 rehabilitate the real property, which lists the building
288 materials used to rehabilitate the real property, the actual
289 cost of the building materials, and the amount of sales tax paid
290 in this state on the building materials. If a general contractor
291 was not used, the applicant, not a general contractor, shall
292 make the sworn statement required by this sub-subparagraph.
293 Copies of the invoices that evidence the purchase of the
294 building materials used in the rehabilitation and the payment of
295 sales tax on the building materials must be attached to the
296 sworn statement provided by the general contractor or by the
297 applicant. Unless the actual cost of building materials used in
298 the rehabilitation of real property and the payment of sales
299 taxes is documented by a general contractor or by the applicant
300 in this manner, the cost of the building materials is deemed to
301 be an amount equal to 40 percent of the increase in assessed
302 value for ad valorem tax purposes.

303 f. The identifying number assigned pursuant to s. 290.0065
304 to the enterprise zone in which the rehabilitated real property
305 is located.

306 g. A certification by the local building code inspector
307 that the improvements necessary to rehabilitate the real
308 property are substantially completed.

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309 h. A statement of whether the business is a small business
310 as defined in ~~by~~ s. 288.703(1).

311 ~~i. If applicable, the name and address of each permanent~~
312 ~~employee of the business, including, for each employee who is a~~
313 ~~resident of an enterprise zone, the identifying number assigned~~
314 ~~pursuant to s. 290.0065 to the enterprise zone in which the~~
315 ~~employee resides.~~

316 2. This exemption inures to a municipality, county, other
317 governmental unit or agency, or nonprofit community-based
318 organization through a refund of previously paid taxes if the
319 building materials used in the rehabilitation are paid for from
320 the funds of a community development block grant, State Housing
321 Initiatives Partnership Program, or similar grant or loan
322 program. To receive a refund, a municipality, county, other
323 governmental unit or agency, or nonprofit community-based
324 organization must file an application that includes the same
325 information required in subparagraph 1. In addition, the
326 application must include a sworn statement signed by the chief
327 executive officer of the municipality, county, other
328 governmental unit or agency, or nonprofit community-based
329 organization seeking a refund which states that the building
330 materials for which a refund is sought were funded by a
331 community development block grant, State Housing Initiatives
332 Partnership Program, or similar grant or loan program.

333 3. Within 10 working days after receipt of an application,
334 the governing body or enterprise zone development agency shall
335 review the application to determine if it contains all the
336 information required by subparagraph 1. or subparagraph 2. and

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337 meets the criteria set out in this paragraph. The governing body
338 or agency shall certify all applications that contain the
339 required information and are eligible to receive a refund. ~~If~~
340 ~~applicable, the governing body or agency shall also certify if~~
341 ~~20 percent of the employees of the business are residents of an~~
342 ~~enterprise zone, excluding temporary and part-time employees.~~
343 The certification must be in writing, and a copy of the
344 certification shall be transmitted to the executive director of
345 the department. The applicant is responsible for forwarding a
346 certified application to the department within the time
347 specified in subparagraph 4.

348 4. An application for a refund must be submitted to the
349 department within 6 months after the rehabilitation of the
350 property is deemed to be substantially completed by the local
351 building code inspector or by November 1 after the rehabilitated
352 property is first subject to assessment.

353 5. Only one exemption through a refund of previously paid
354 taxes for the rehabilitation of real property is permitted for
355 any single parcel of property unless there is a change in
356 ownership, a new lessor, or a new lessee of the real property. A
357 refund may not be granted unless the amount to be refunded
358 exceeds \$500. A refund may not exceed the lesser of 97 percent
359 of the Florida sales or use tax paid on the cost of the building
360 materials used in the rehabilitation of the real property as
361 determined pursuant to sub-subparagraph 1.e. ~~or \$5,000, or, if~~
362 ~~at least 20 percent of the employees of the business are~~
363 ~~residents of an enterprise zone, excluding temporary and part-~~
364 ~~time employees, the amount of refund may not exceed the lesser~~

365 ~~of 97 percent of the sales tax paid on the cost of the building~~
 366 ~~materials or \$10,000.~~ A refund shall be made within 30 days
 367 after formal approval by the department of the application for
 368 the refund.

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

373 7. The department shall deduct an amount equal to 10
 374 percent of each refund granted under this paragraph from the
 375 amount transferred into the Local Government Half-cent Sales Tax
 376 Clearing Trust Fund pursuant to s. 212.20 for the county area in
 377 which the rehabilitated real property is located and shall
 378 transfer that amount to the General Revenue Fund.

379 8. For the purposes of the exemption provided in this
 380 paragraph, the term:

381 a. "Building materials" means tangible personal property
 382 that becomes a component part of improvements to real property.

383 b. "Real property" has the same meaning as provided in s.
 384 192.001(12), except that the term does not include a condominium
 385 parcel or condominium property as defined in s. 718.103.

386 c. "Rehabilitation of real property" means the
 387 reconstruction, renovation, restoration, rehabilitation,
 388 construction, or expansion of improvements to real property.

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

391 9. This paragraph expires on the date specified in s.
 392 290.016 for the expiration of the Florida Enterprise Zone Act.

393 (h) Business property used in an enterprise zone.—
 394 1. Business property purchased for use by businesses
 395 located in an enterprise zone which is subsequently used in an
 396 enterprise zone shall be exempt from the tax imposed by this
 397 chapter. This exemption inures to the business only through a
 398 refund of previously paid taxes. A refund shall be authorized
 399 upon an affirmative showing by the taxpayer to the satisfaction
 400 of the department that the requirements of this paragraph have
 401 been met.

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

406 a. The name and address of the business claiming the
 407 refund.

408 b. The identifying number assigned pursuant to s. 290.0065
 409 to the enterprise zone in which the business is located.

410 c. A specific description of the property for which a
 411 refund is sought, including its serial number or other permanent
 412 identification number.

413 d. The location of the property.

414 e. The sales invoice or other proof of purchase of the
 415 property, showing the amount of sales tax paid, the date of
 416 purchase, and the name and address of the sales tax dealer from
 417 whom the property was purchased.

418 f. Whether the business is a small business as defined in
 419 by s. 288.703(1).

420 ~~g. If applicable, the name and address of each permanent~~

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421 ~~employee of the business, including, for each employee who is a~~
422 ~~resident of an enterprise zone, the identifying number assigned~~
423 ~~pursuant to s. 290.0065 to the enterprise zone in which the~~
424 ~~employee resides.~~

425 3. Within 10 working days after receipt of an application,
426 the governing body or enterprise zone development agency shall
427 review the application to determine if it contains all the
428 information required pursuant to subparagraph 2. and meets the
429 criteria set out in this paragraph. The governing body or agency
430 shall certify all applications that contain the information
431 required pursuant to subparagraph 2. and meet the criteria set
432 out in this paragraph as eligible to receive a refund. ~~If~~
433 ~~applicable, the governing body or agency shall also certify if~~
434 ~~20 percent of the employees of the business are residents of an~~
435 ~~enterprise zone, excluding temporary and part-time employees.~~
436 The certification shall be in writing, and a copy of the
437 certification shall be transmitted to the executive director of
438 the Department of Revenue. The business shall be responsible for
439 forwarding a certified application to the department within the
440 time specified in subparagraph 4.

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

444 5. The amount refunded on purchases of business property
445 under this paragraph shall be the lesser of 97 percent of the
446 sales tax paid on such business property or ~~\$5,000, or, if no~~
447 ~~less than 20 percent of the employees of the business are~~
448 ~~residents of an enterprise zone, excluding temporary and part-~~

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449 ~~time employees, the amount refunded on purchases of business~~
450 ~~property under this paragraph shall be the lesser of 97 percent~~
451 ~~of the sales tax paid on such business property or \$10,000. A~~
452 refund approved pursuant to this paragraph shall be made within
453 30 days of formal approval by the department of the application
454 for the refund. A ~~No~~ refund may not ~~shall~~ be granted under this
455 paragraph unless the amount to be refunded exceeds \$100 in sales
456 tax paid on purchases made within a 60-day time period.

457 6. The department shall adopt rules governing the manner
458 and form of refund applications and may establish guidelines as
459 to the requisites for an affirmative showing of qualification
460 for exemption under this paragraph.

461 7. If the department determines that the business property
462 is used outside an enterprise zone within 3 years from the date
463 of purchase, the amount of taxes refunded to the business
464 purchasing such business property shall immediately be due and
465 payable to the department by the business, together with the
466 appropriate interest and penalty, computed from the date of
467 purchase, in the manner provided by this chapter.
468 Notwithstanding this subparagraph, business property used
469 exclusively in:

- 470 a. Licensed commercial fishing vessels,
471 b. Fishing guide boats, or
472 c. Ecotourism guide boats

473
474 that leave and return to a fixed location within an area
475 designated under s. 379.2353 are eligible for the exemption
476 provided under this paragraph if all requirements of this

477 paragraph are met. Such vessels and boats must be owned by a
 478 business that is eligible to receive the exemption provided
 479 under this paragraph. This exemption does not apply to the
 480 purchase of a vessel or boat.

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

487 9. For the purposes of this exemption, "business property"
 488 means new or used property defined as "recovery property" in s.
 489 168(c) of the Internal Revenue Code of 1954, as amended, except:

490 a. Property classified as 3-year property under s.

491 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

492 b. Industrial machinery and equipment as defined in sub-
 493 subparagraph (b)6.a. and eligible for exemption under paragraph
 494 (b);

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

497 d. Business property having a sales price of less than
 498 \$500 ~~under \$5,000~~ per unit.

499 10. This paragraph expires on the date specified in s.
 500 290.016 for the expiration of the Florida Enterprise Zone Act.

501 Section 10. Section 212.096, Florida Statutes, is amended
 502 to read:

503 212.096 Sales, rental, storage, use tax; enterprise zone
 504 jobs credit against sales tax.—

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505 (1) As used ~~For the purposes of the credit provided in~~
506 this section, the term:

507 (a) "Eligible business" means any sole proprietorship,
508 firm, partnership, corporation, bank, savings association,
509 estate, trust, business trust, receiver, syndicate, or other
510 group or combination, or successor business, located in an
511 enterprise zone. The business must demonstrate to the department
512 that, on the date of application, the total number of ~~full-time~~
513 jobs as defined in ~~under~~ paragraph (c) ~~(d)~~ is greater than the
514 total was 12 months before ~~prior to~~ that date. The term ~~An~~
515 ~~eligible business~~ does not include any business that ~~which~~ has
516 claimed the credit permitted under s. 220.181 for any new
517 business employee ~~first beginning employment with the business~~
518 ~~after July 1, 1995.~~

519 (b) "Full-time position" means employment for at least 40
520 hours per week.

521 (c) ~~(d)~~ "Job" means a full-time or part-time position, as
522 consistent with terms used by the Agency for Workforce
523 Innovation and the United States Department of Labor for
524 purposes of unemployment compensation tax administration and
525 employment estimation resulting directly from a business
526 operation in this state. The ~~This~~ term does ~~may~~ not include a
527 temporary construction job involved with the construction of
528 facilities or any job that has previously been included in any
529 application for tax credits under s. 220.181~~(1)~~. The term also
530 includes employment of an employee leased from an employee
531 leasing company licensed under chapter 468 if such employee has
532 been continuously leased to the employer for an average of at

533 | least 20 ~~36~~ hours per week for more than 6 months.

534 | ~~(d) (b)~~ "Month" means either a calendar month or the time
 535 | period from any day of any month to the corresponding day of the
 536 | next succeeding month or, if there is no corresponding day in
 537 | the next succeeding month, the last day of the succeeding month.

538 | ~~(e) (e)~~ "New employee" means a person ~~residing in an~~
 539 | ~~enterprise zone or a participant in the welfare transition~~
 540 | ~~program who begins employment with an eligible business after~~
 541 | ~~July 1, 1995, and~~ who has not been previously employed full time
 542 | or part time within the preceding 12 months by the eligible
 543 | business, or a successor eligible business, claiming the credit
 544 | allowed by this section.

545 | ~~(f) (e)~~ "New job has been created" means that, on the date
 546 | of application, the total number of ~~full-time~~ jobs is greater
 547 | than the total was 12 months before ~~prior to~~ that date, as
 548 | demonstrated to the department by a business located in the
 549 | enterprise zone.

550 | (g) "Part-time position" means employment for at least 20,
 551 | but less than 40, hours per week.

552 |
 553 | A person is ~~shall be~~ deemed to be employed if the person
 554 | performs duties in connection with the operations of the
 555 | business on a regular, full-time or part-time basis, ~~provided~~
 556 | the person is performing such duties for an average of at least
 557 | 20 ~~36~~ hours per week each month, and ~~the person is~~ ~~must be~~
 558 | performing such duties at a business site located in the
 559 | enterprise zone.

560 | (2) (a) Upon an affirmative showing by an eligible business

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561 to the satisfaction of the department that the requirements of
562 this section are ~~have been~~ met, the business shall be allowed a
563 credit against the tax remitted under this chapter.

564 (b) The credit shall be computed as 20 percent of the
565 actual monthly wages paid in this state to each new employee
566 hired when a new job is ~~has been~~ created, unless the business is
567 located within a rural enterprise zone pursuant to s.
568 290.004(6), in which case the credit shall be 30 percent of the
569 actual monthly wages paid. ~~If no less than 20 percent of the~~
570 ~~employees of the business are residents of an enterprise zone,~~
571 ~~excluding temporary and part-time employees, the credit shall be~~
572 ~~computed as 30 percent of the actual monthly wages paid in this~~
573 ~~state to each new employee hired when a new job has been~~
574 ~~created, unless the business is located within a rural~~
575 ~~enterprise zone, in which case the credit shall be 45 percent of~~
576 ~~the actual monthly wages paid.~~ If the new employee hired when a
577 new job is created is a participant in the welfare transition
578 program, the following credit shall be a percent of the actual
579 monthly wages paid: 40 percent for \$4 above the hourly federal
580 minimum wage rate; 41 percent for \$5 above the hourly federal
581 minimum wage rate; 42 percent for \$6 above the hourly federal
582 minimum wage rate; 43 percent for \$7 above the hourly federal
583 minimum wage rate; and 44 percent for \$8 above the hourly
584 federal minimum wage rate. For purposes of this paragraph,
585 monthly wages shall be computed as one-twelfth of the expected
586 annual wages paid to such employee. The amount paid as wages to
587 a new employee is the compensation paid to such employee that is
588 subject to unemployment tax. The credit shall be allowed for up

589 to 24 consecutive months, beginning with the first tax return
 590 due pursuant to s. 212.11 after approval by the department.

591 (3) In order to claim this credit, an eligible business
 592 must file under oath with the governing body or enterprise zone
 593 development agency having jurisdiction over the enterprise zone
 594 where the business is located, as applicable, a statement which
 595 includes:

596 (a) For each new employee for whom this credit is claimed,
 597 the employee's name and address ~~place of residence, including~~
 598 ~~the identifying number assigned pursuant to s. 290.0065 to the~~
 599 ~~enterprise zone in which the employee resides if the new~~
 600 ~~employee is a person residing in an enterprise zone,~~ and, if
 601 applicable, documentation that the employee is a welfare
 602 transition program participant.

603 ~~(b) If applicable, the name and address of each permanent~~
 604 ~~employee of the business, including, for each employee who is a~~
 605 ~~resident of an enterprise zone, the identifying number assigned~~
 606 ~~pursuant to s. 290.0065 to the enterprise zone in which the~~
 607 ~~employee resides.~~

608 (b)(e) The name and address of the eligible business.

609 (c)(d) The starting salary or hourly wages paid to the new
 610 employee.

611 (d)(e) Demonstration to the department that, on the date
 612 of application, the total number of ~~full-time~~ jobs as defined in
 613 ~~under~~ paragraph (1) (c)(d) is greater than the total was 12
 614 months before ~~prior to~~ that date.

615 (e)(f) The identifying number assigned pursuant to s.
 616 290.0065 to the enterprise zone in which the business is

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617 located.

618 (f)~~(g)~~ Whether the business is a small business as defined
619 in ~~by~~ s. 288.703~~(1)~~.

620 (g)~~(h)~~ Within 10 working days after receipt of an
621 application, the governing body or enterprise zone development
622 agency shall review the application to determine if it contains
623 all the information required pursuant to this subsection and
624 meets the criteria set out in this section. The governing body
625 or agency shall certify all applications that contain the
626 information required pursuant to this subsection and meet the
627 criteria set out in this section as eligible to receive a
628 credit. ~~If applicable, the governing body or agency shall also~~
629 ~~certify if 20 percent of the employees of the business are~~
630 ~~residents of an enterprise zone, excluding temporary and part-~~
631 ~~time employees.~~ The certification shall be in writing, and a
632 copy of the certification shall be transmitted to the executive
633 director of the Department of Revenue. The business is ~~shall be~~
634 responsible for forwarding a certified application to the
635 department within the time specified in paragraph (i).

636 (h)~~(i)~~ All applications for a credit pursuant to this
637 section must be submitted to the department within 6 months
638 after the new employee is hired, except applications for credit
639 for leased employees. Applications for credit for leased
640 employees must be submitted to the department within 7 months
641 after the employee is leased.

642 (4) Within 10 working days after receipt of a completed
643 application for a credit authorized in this section, the
644 department shall inform the business that the application is ~~has~~

645 ~~been~~ approved. The credit may be taken on the first return due
 646 after receipt of approval from the department.

647 (5) If ~~In the event~~ the application is incomplete or
 648 insufficient to support the credit authorized in this section,
 649 the department shall deny the credit and notify the business of
 650 that fact. The business may reapply for this credit.

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

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

654 (b) For any new employee who is employed for any period
 655 less than 3 months.

656 (7) The credit provided in this section is ~~shall~~ not ~~be~~
 657 allowed for any month in which the tax due for such period or
 658 the tax return required pursuant to s. 212.11 for such period is
 659 delinquent.

660 (8) If ~~In the event~~ an eligible business has a credit
 661 larger than the amount owed the state on the tax return for the
 662 ~~time~~ period in which the credit is claimed, the amount of the
 663 credit for that ~~time~~ period shall be the amount owed the state
 664 on that tax return.

665 (9) Any business which has claimed this credit is ~~shall~~
 666 not ~~be~~ allowed any credit under ~~the provisions of~~ s. 220.181 ~~for~~
 667 ~~any new employee beginning employment after July 1, 1995.~~

668 (10) ~~It shall be the responsibility of~~ Each business must
 669 ~~to~~ affirmatively demonstrate to the satisfaction of the
 670 department that it meets the requirements of this section.

671 (11) Any person who fraudulently claims this credit is
 672 liable for repayment of the credit plus a mandatory penalty of

673 100 percent of the credit plus interest at the rate provided in
 674 this chapter, and such person commits ~~is guilty of~~ a misdemeanor
 675 of the second degree, punishable as provided in s. 775.082 or s.
 676 775.083.

677 (12) This section, except for subsection (11), expires on
 678 the date specified in s. 290.016 for the expiration of the
 679 Florida Enterprise Zone Act.

680 Section 11. Subsection (1) and paragraph (c) of subsection
 681 (5) of section 220.03, Florida Statutes, are amended to read:

682 220.03 Definitions.—

683 (1) SPECIFIC TERMS.—When used in this code, and when not
 684 otherwise distinctly expressed or manifestly incompatible with
 685 the intent thereof, the following terms shall have the following
 686 meanings:

687 (a) "Ad valorem taxes paid" means 96 percent of property
 688 taxes levied for operating purposes and does not include
 689 interest, penalties, or discounts foregone. In addition, the
 690 term "ad valorem taxes paid," for purposes of the credit in s.
 691 220.182, means the ad valorem tax paid on new or additional real
 692 or personal property acquired to establish a new business or
 693 facilitate a business expansion, including pollution and waste
 694 control facilities, or any part thereof, and including one or
 695 more buildings or other structures, machinery, fixtures, and
 696 equipment. This paragraph expires on the date specified in s.
 697 290.016 for the expiration of the Florida Enterprise Zone Act.

698 (b) "Affiliated group of corporations" means two or more
 699 corporations which constitute an affiliated group of
 700 corporations as defined in s. 1504(a) of the Internal Revenue

701 Code.

702 (c) "Business" or "business firm" means any business
 703 entity authorized to do business in this state as defined in
 704 paragraph (g) ~~(e)~~, and any bank or savings and loan association
 705 as defined in s. 220.62, subject to the tax imposed by the
 706 provisions of this chapter. This paragraph expires on the date
 707 specified in s. 290.016 for the expiration of the Florida
 708 Enterprise Zone Act.

709 (d) ~~(bb)~~ "Child care facility startup costs" means
 710 expenditures for substantial renovation, equipment, including
 711 playground equipment and kitchen appliances and cooking
 712 equipment, real property, including land and improvements, and
 713 for reduction of debt, made in connection with a child care
 714 facility as defined in ~~by~~ s. 402.302, or any facility providing
 715 daily care to children who are mildly ill, which is located in
 716 this state on the taxpayer's premises and used by the employees
 717 of the taxpayer.

718 (e) ~~(dd)~~ "Citrus processing company" means a corporation
 719 which, during the 60-month period ending on December 31, 1997,
 720 had derived more than 50 percent of its total gross receipts
 721 from the processing of citrus products and the manufacture of
 722 juices.

723 (f) ~~(d)~~ "Community contribution" means the grant by a
 724 business firm of any of the following items:

- 725 1. Cash or other liquid assets.
- 726 2. Real property.
- 727 3. Goods or inventory.
- 728 4. Other physical resources as identified by the

729 department.

730

731 This paragraph expires on the date specified in s. 290.016 for
732 the expiration of the Florida Enterprise Zone Act.

733 (g)~~(e)~~ "Corporation" includes all domestic corporations;
734 foreign corporations qualified to do business in this state or
735 actually doing business in this state; joint-stock companies;
736 limited liability companies, under chapter 608; common-law
737 declarations of trust, under chapter 609; corporations not for
738 profit, under chapter 617; agricultural cooperative marketing
739 associations, under chapter 618; professional service
740 corporations, under chapter 621; foreign unincorporated
741 associations, under chapter 622; private school corporations,
742 under chapter 623; foreign corporations not for profit which are
743 carrying on their activities in this state; and all other
744 organizations, associations, legal entities, and artificial
745 persons which are created by or pursuant to the statutes of this
746 state, the United States, or any other state, territory,
747 possession, or jurisdiction. The term ~~"corporation"~~ does not
748 include proprietorships, even if using a fictitious name;
749 partnerships of any type, as such; limited liability companies
750 that are taxable as partnerships for federal income tax
751 purposes; state or public fairs or expositions, under chapter
752 616; estates of decedents or incompetents; testamentary trusts;
753 or private trusts.

754 (h)~~(f)~~ "Department" means the Department of Revenue of
755 this state.

756 (i)~~(g)~~ "Director" means the executive director of the

757 Department of Revenue and, when there has been an appropriate
 758 delegation of authority, the executive director's delegate.

759 (j)~~(h)~~ "Earned," "accrued," "paid," or "incurred" shall be
 760 construed according to the method of accounting upon the basis
 761 of which a taxpayer's income is computed under this code.

762 (k)~~(i)~~ "Emergency," as used in s. 220.02 and in paragraph
 763 (dd) ~~(u) of this subsection,~~ means occurrence of widespread or
 764 severe damage, injury, or loss of life or property proclaimed
 765 pursuant to s. 14.022 or declared pursuant to s. 252.36. This
 766 paragraph expires on the date specified in s. 290.016 for the
 767 expiration of the Florida Enterprise Zone Act.

768 (l)~~(j)~~ "Enterprise zone" means an area in the state
 769 designated pursuant to s. 290.0065. This paragraph expires on
 770 the date specified in s. 290.016 for the expiration of the
 771 Florida Enterprise Zone Act.

772 (m)~~(k)~~ "Expansion of an existing business," for the
 773 purposes of the enterprise zone property tax credit, means any
 774 business entity authorized to do business in this state as
 775 defined in paragraph (g) ~~(e)~~, and any bank or savings and loan
 776 association as defined in s. 220.62, subject to the tax imposed
 777 by the provisions of this chapter, located in an enterprise
 778 zone, which expands by or through additions to real and personal
 779 property and which establishes five or more new jobs to employ
 780 five or more additional full-time or part-time employees at such
 781 location. This paragraph expires on the date specified in s.
 782 290.016 for the expiration of the Florida Enterprise Zone Act.

783 (n)~~(l)~~ "Fiscal year" means an accounting period of 12
 784 months or less ending on the last day of any month other than

785 December or, in the case of a taxpayer with an annual accounting
 786 period of 52-53 weeks under s. 441(f) of the Internal Revenue
 787 Code, the period determined under that subsection.

788 (o) "Florida Income Tax Code" or "code" means this
 789 chapter.

790 (p) "Full-time position" means employment for at least 40
 791 hours per week.

792 (q) ~~(aa)~~ "Functionally related dividends" include the
 793 following types of dividends:

794 1. Those received from a subsidiary of which the voting
 795 stock is more than 50 percent owned or controlled by the
 796 taxpayer or members of its affiliated group and which is engaged
 797 in the same general line of business.

798 2. Those received from any corporation which is either a
 799 significant source of supply for the taxpayer or its affiliated
 800 group or a significant purchaser of the output of the taxpayer
 801 or its affiliated group, or which sells a significant part of
 802 its output or obtains a significant part of its raw materials or
 803 input from the taxpayer or its affiliated group. "Significant"
 804 means an amount of 15 percent or more.

805 3. Those resulting from the investment of working capital
 806 or some other purpose in furtherance of the taxpayer or its
 807 affiliated group.

808
 809 However, dividends not otherwise subject to tax under this
 810 chapter are excluded.

811 (r) ~~(m)~~ "Includes" or "including," when used in a
 812 definition contained in this code, shall not be deemed to

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813 | exclude other things otherwise within the meaning of the term
814 | defined.

815 | (s)~~(n)~~ "Internal Revenue Code" means the United States
816 | Internal Revenue Code of 1986, as amended and in effect on
817 | January 1, 2010, except as provided in subsection (3).

818 | (t)~~(ff)~~ "Job" means a full-time or part-time position, as
819 | consistent with terms used by the Agency for Workforce
820 | Innovation and the United States Department of Labor for
821 | purposes of unemployment compensation tax administration and
822 | employment estimation resulting directly from business
823 | operations in this state. The term may not include a temporary
824 | construction job involved with the construction of facilities or
825 | any job that has previously been included in any application for
826 | tax credits under s. 212.096. The term also includes employment
827 | of an employee leased from an employee leasing company licensed
828 | under chapter 468 if the employee has been continuously leased
829 | to the employer for an average of at least 20 ~~36~~ hours per week
830 | for more than 6 months.

831 | (u)~~(e)~~ "Local government" means any county or incorporated
832 | municipality in the state. This paragraph expires on the date
833 | specified in s. 290.016 for the expiration of the Florida
834 | Enterprise Zone Act.

835 | (v)~~(p)~~ "New business," for the purposes of the enterprise
836 | zone property tax credit, means any business entity authorized
837 | to do business in this state as defined in paragraph (g) ~~(e)~~, or
838 | any bank or savings and loan association as defined in s.
839 | 220.62, subject to the tax imposed by the provisions of this
840 | chapter, first beginning operations on a site located in an

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841 enterprise zone and clearly separate from any other commercial
842 or industrial operations owned by the same entity, bank, or
843 savings and loan association and which establishes five or more
844 new jobs to employ five or more additional full-time or part-
845 time employees at such location. This paragraph expires on the
846 date specified in s. 290.016 for the expiration of the Florida
847 Enterprise Zone Act.

848 (w) ~~(g)~~ "New employee," for the purposes of the enterprise
849 zone jobs credit, means a person ~~residing in an enterprise zone~~
850 ~~or a participant in the welfare transition program who is~~
851 ~~employed at a business located in an enterprise zone who begins~~
852 ~~employment in the operations of the business after July 1, 1995,~~
853 ~~and~~ who has not been previously employed full time within the
854 preceding 12 months by the business or a successor business
855 claiming the credit under ~~pursuant to~~ s. 220.181. A person is
856 ~~shall be~~ deemed to be employed by such a business if the person
857 performs duties in connection with the operations of the
858 business on a full-time or part-time basis, the person ~~provided~~
859 ~~she or he~~ is performing such duties for an average of at least
860 20 ~~36~~ hours per week each month, and ~~the person is~~ ~~must be~~
861 performing such duties at a business site located in an
862 enterprise zone. This paragraph expires on the date specified in
863 s. 290.016 for the expiration of the Florida Enterprise Zone
864 Act.

865 (x) ~~(ee)~~ "New job has been created" means that, on the date
866 of application, the total number of full-time and part-time jobs
867 is greater than the total was 12 months before ~~prior to~~ that
868 date, as demonstrated to the department by a business located in

869 the enterprise zone.

870 (y)~~(r)~~ "Nonbusiness income" means rents and royalties from
 871 real or tangible personal property, capital gains, interest,
 872 dividends, and patent and copyright royalties, to the extent
 873 that they do not arise from transactions and activities in the
 874 regular course of the taxpayer's trade or business. The term
 875 "nonbusiness income" does not include income from tangible and
 876 intangible property if the acquisition, management, and
 877 disposition of the property constitute integral parts of the
 878 taxpayer's regular trade or business operations, or any amounts
 879 which could be included in apportionable income without
 880 violating the due process clause of the United States
 881 Constitution. For purposes of this definition, "income" means
 882 gross receipts less all expenses directly or indirectly
 883 attributable thereto. Functionally related dividends are
 884 presumed to be business income.

885 (z)~~(ee)~~ "Operation of a child care facility" means
 886 operation of a child care facility as defined in ~~by~~ s. 402.302,
 887 or any facility providing daily care to children who are mildly
 888 ill, which is located in this state within 5 miles of at least
 889 one place of business of the taxpayer and which is used by the
 890 employees of the taxpayer.

891 (aa)~~(s)~~ "Partnership" includes a syndicate, group, pool,
 892 joint venture, or other unincorporated organization through or
 893 by means of which any business, financial operation, or venture
 894 is carried on, including a limited partnership; and the term
 895 "partner" includes a member having a capital or a profits
 896 interest in a partnership.

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897 (bb) "Part-time position" means employment for at least
898 20, but less than 40, hours per week.

899 (cc)~~(t)~~ "Project" means any activity undertaken by an
900 eligible sponsor, as defined in s. 220.183(2)(c), which is
901 designed to construct, improve, or substantially rehabilitate
902 housing that is affordable to low-income or very-low-income
903 households as defined in s. 420.9071(19) and (28); designed to
904 provide commercial, industrial, or public resources and
905 facilities; or designed to improve entrepreneurial and job-
906 development opportunities for low-income persons. A project may
907 be the investment necessary to increase access to high-speed
908 broadband capability in rural communities with enterprise zones,
909 including projects that result in improvements to communications
910 assets that are owned by a business. ~~A project may include the~~
911 ~~provision of museum educational programs and materials that are~~
912 ~~directly related to any project approved between January 1,~~
913 ~~1996, and December 31, 1999, and located in an enterprise zone~~
914 ~~designated pursuant to s. 290.0065.~~ This paragraph does not
915 preclude projects that propose to construct or rehabilitate low-
916 income or very-low-income housing on scattered sites. With
917 respect to housing, contributions may be used to pay the
918 following eligible project-related activities:

- 919 1. Project development, impact, and management fees for
920 low-income or very-low-income housing projects;
- 921 2. Down payment and closing costs for eligible persons, as
922 defined in s. 420.9071(19) and (28);
- 923 3. Administrative costs, including housing counseling and
924 marketing fees, not to exceed 10 percent of the community

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925 contribution, directly related to low-income or very-low-income
 926 projects; and

927 4. Removal of liens recorded against residential property
 928 by municipal, county, or special-district local governments when
 929 satisfaction of the lien is a necessary precedent to the
 930 transfer of the property to an eligible person, as defined in s.
 931 420.9071(19) and (28), for the purpose of promoting home
 932 ownership. Contributions for lien removal must be received from
 933 a nonrelated third party.

934
 935 The provisions of this paragraph shall expire and be void on
 936 June 30, 2015.

937 (dd) ~~(u)~~ "Rebuilding of an existing business" means
 938 replacement or restoration of real or tangible property
 939 destroyed or damaged in an emergency, ~~as defined in paragraph~~
 940 (k) ~~(i)~~, ~~after July 1, 1995,~~ in an enterprise zone, by a
 941 business entity authorized to do business in this state as
 942 defined in paragraph (g) ~~(e)~~, or a bank or savings and loan
 943 association as defined in s. 220.62, subject to the tax imposed
 944 by ~~the provisions of~~ this chapter, located in the enterprise
 945 zone. This paragraph expires on the date specified in s. 290.016
 946 for the expiration of the Florida Enterprise Zone Act.

947 (ee) ~~(v)~~ "Regulations" includes rules promulgated, and
 948 forms prescribed, by the department.

949 (ff) ~~(w)~~ "Returns" includes declarations of estimated tax
 950 required under this code.

951 (gg) ~~(x)~~ "State," when applied to a jurisdiction other than
 952 Florida, means any state of the United States, the District of

953 Columbia, the Commonwealth of Puerto Rico, any territory or
 954 possession of the United States, and any foreign country, or any
 955 political subdivision of any of the foregoing.

956 (hh)~~(y)~~ "Taxable year" means the calendar or fiscal year
 957 upon the basis of which net income is computed under this code,
 958 including, in the case of a return made for a fractional part of
 959 a year, the period for which such return is made.

960 (ii)~~(z)~~ "Taxpayer" means any corporation subject to the
 961 tax imposed by this code, and includes all corporations for
 962 which a consolidated return is filed under s. 220.131. However,
 963 "taxpayer" does not include a corporation having no individuals
 964 (including individuals employed by an affiliate) receiving
 965 compensation in this state as defined in s. 220.15 when the only
 966 property owned or leased by said corporation (including an
 967 affiliate) in this state is located at the premises of a printer
 968 with which it has contracted for printing, if such property
 969 consists of the final printed product, property which becomes a
 970 part of the final printed product, or property from which the
 971 printed product is produced.

972 (5)

973 (c) A taxpayer may make an election, in the manner
 974 prescribed by the department, by August 26, 1982, or a taxpayer
 975 filing an initial return may make an election upon filing the
 976 first return for the tax due under this chapter, whichever is
 977 later, to report and pay the tax levied by this chapter as if:

- 978 1. The Internal Revenue Code of 1954, as amended and in
- 979 effect on January 1, 1980, is in effect indefinitely thereafter;
- 980 and

981 2. Solely for the purpose of computing depreciation
 982 deductions, the provisions of chapter 220, Florida Statutes,
 983 1980 Supplement, are in effect indefinitely thereafter.

984
 985 For the purposes of taxation of taxpayers who make the election
 986 provided for in this paragraph, the Internal Revenue Code of
 987 1954, as amended and in effect on January 1, 1980, shall
 988 include, for tax years beginning on or after January 1, 1982,
 989 the provisions of the Foreign Investment in Real Property Tax
 990 Act of 1980, Subtitle C of Title XI of Pub. L. No. 96-499 and
 991 the amendments to those provisions codified in the Internal
 992 Revenue Code, as defined in paragraph (1) (s) ~~(n)~~. Taxpayers may
 993 one time only revoke an election made pursuant to this
 994 paragraph, in accordance with rules formulated by the
 995 department. Such revocation shall be prospective in nature, and
 996 all transactions and events occurring during the period during
 997 which the election provided for in this paragraph is in effect
 998 and the continuing tax ramifications of such events and
 999 transactions shall be governed by the provisions of this
 1000 paragraph.

1001 Section 12. Section 220.181, Florida Statutes, is amended
 1002 to read:

1003 220.181 Enterprise zone jobs credit.-

1004 (1) (a) There shall be allowed a credit against the tax
 1005 imposed by this chapter to any business located in an enterprise
 1006 zone which demonstrates to the department that, on the date of
 1007 application, the total number of full-time and part-time jobs is
 1008 greater than the total was 12 months before ~~prior to~~ that date.

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1009 The credit shall be computed as 20 percent of the actual monthly
 1010 wages paid in this state to each new employee hired when a new
 1011 job is ~~has been created, as defined under s. 220.03(1)(cc),~~
 1012 unless the business is located in a rural enterprise zone,
 1013 pursuant to s. 290.004(6), in which case the credit shall be 30
 1014 percent of the actual monthly wages paid. ~~If no less than 20~~
 1015 ~~percent of the employees of the business are residents of an~~
 1016 ~~enterprise zone, excluding temporary and part-time employees,~~
 1017 ~~the credit shall be computed as 30 percent of the actual monthly~~
 1018 ~~wages paid in this state to each new employee hired when a new~~
 1019 ~~job has been created, unless the business is located in a rural~~
 1020 ~~enterprise zone, in which case the credit shall be 45 percent of~~
 1021 ~~the actual monthly wages paid, for a period of up to 24~~
 1022 ~~consecutive months.~~ If the new employee hired when a new job is
 1023 created is a participant in the welfare transition program, the
 1024 following credit shall be a percent of the actual monthly wages
 1025 paid: 40 percent for \$4 above the hourly federal minimum wage
 1026 rate; 41 percent for \$5 above the hourly federal minimum wage
 1027 rate; 42 percent for \$6 above the hourly federal minimum wage
 1028 rate; 43 percent for \$7 above the hourly federal minimum wage
 1029 rate; and 44 percent for \$8 above the hourly federal minimum
 1030 wage rate.

1031 (b) This credit applies only with respect to wages subject
 1032 to unemployment tax. The credit provided in this section does
 1033 not apply:

- 1034 1. For any employee who is an owner, partner, or majority
 1035 stockholder of an eligible business.
- 1036 2. For any new employee who is employed for any period

1037 less than 3 months.

1038 (c) If this credit is not fully used in any one year, the
 1039 unused amount may be carried forward for a period not to exceed
 1040 5 years. The carryover credit may be used in a subsequent year
 1041 when the tax imposed by this chapter for such year exceeds the
 1042 credit for such year after applying the other credits and unused
 1043 credit carryovers in the order provided in s. 220.02(8).

1044 (2) When filing for an enterprise zone jobs credit, a
 1045 business must file under oath with the governing body or
 1046 enterprise zone development agency having jurisdiction over the
 1047 enterprise zone where the business is located, as applicable, a
 1048 statement which includes:

1049 (a) For each new employee for whom this credit is claimed,
 1050 the employee's name and address ~~place of residence during the~~
 1051 ~~taxable year, including the identifying number assigned pursuant~~
 1052 ~~to s. 290.0065 to the enterprise zone in which the new employee~~
 1053 ~~resides if the new employee is a person residing in an~~
 1054 ~~enterprise zone,~~ and, if applicable, documentation that the
 1055 employee is a welfare transition program participant.

1056 ~~(b) If applicable, the name and address of each permanent~~
 1057 ~~employee of the business, including, for each employee who is a~~
 1058 ~~resident of an enterprise zone, the identifying number assigned~~
 1059 ~~pursuant to s. 290.0065 to the enterprise zone in which the~~
 1060 ~~employee resides.~~

1061 (b)(e) The name and address of the business.

1062 (c)(d) The identifying number assigned pursuant to s.
 1063 290.0065 to the enterprise zone in which the eligible business
 1064 is located.

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1065 (d)~~(e)~~ The salary or hourly wages paid to each new
 1066 employee claimed.

1067 (e)~~(f)~~ Demonstration to the department that, on the date
 1068 of application, the total number of full-time and part-time jobs
 1069 is greater than the total was 12 months before ~~prior to~~ that
 1070 date.

1071 (f)~~(g)~~ Whether the business is a small business as defined
 1072 in ~~by~~ s. 288.703~~(1)~~.

1073 (3) Within 10 working days after receipt of an
 1074 application, the governing body or enterprise zone development
 1075 agency shall review the application to determine if it contains
 1076 all the information required pursuant to subsection (2) and
 1077 meets the criteria set out in this section. The governing body
 1078 or agency shall certify all applications that contain the
 1079 information required pursuant to subsection (2) and meet the
 1080 criteria set out in this section as eligible to receive a
 1081 credit. ~~If applicable, the governing body or agency shall also~~
 1082 ~~certify if 20 percent of the employees of the business are~~
 1083 ~~residents of an enterprise zone, excluding temporary and part-~~
 1084 ~~time employees.~~ The certification shall be in writing, and a
 1085 copy of the certification shall be transmitted to the executive
 1086 director of the Department of Revenue. The business is ~~shall be~~
 1087 responsible for forwarding a certified application to the
 1088 department.

1089 ~~It shall be the responsibility of~~ The taxpayer must ~~to~~
 1090 affirmatively demonstrate to the satisfaction of the department
 1091 that it meets the requirements of this section ~~act~~.

1092 (5) For the purpose of this section, the term "month"

1093 means either a calendar month or the time period from any day of
 1094 any month to the corresponding day of the next succeeding month
 1095 or, if there is no corresponding day in the next succeeding
 1096 month, the last day of the succeeding month.

1097 (6) A ~~No~~ business that ~~which~~ files an amended return for a
 1098 taxable year is not ~~shall be~~ allowed any amount of credit or
 1099 credit carryforward pursuant to this section in excess of the
 1100 amount claimed by such business on its original return for the
 1101 taxable year. ~~The provisions of~~ This subsection does ~~de~~ not
 1102 apply to increases in the amount of credit claimed under this
 1103 section on an amended return due to the use of any credit amount
 1104 previously carried forward for the taxable year on the original
 1105 return or any eligible prior year under paragraph (1)(c).

1106 (7) Any business which has claimed this credit is ~~shall~~
 1107 not ~~be~~ allowed any credit under ~~the provision of~~ s. 212.096 for
 1108 any new employee ~~beginning employment after July 1, 1995.~~ ~~The~~
 1109 ~~provisions of~~ This subsection does ~~shall~~ not apply when a
 1110 corporation converts to an S corporation for purposes of
 1111 compliance with the Internal Revenue Code of 1986, as amended;
 1112 however, a ~~no~~ corporation is not ~~shall be~~ allowed the benefit of
 1113 this credit and the credit under s. 212.096 either for the same
 1114 new employee or for the same taxable year. In addition, such a
 1115 corporation is ~~shall~~ not ~~be~~ allowed any credit under s. 212.096
 1116 until it has filed notice of its intent to change its status for
 1117 tax purposes and until its final return under this chapter for
 1118 the taxable year before ~~prior to~~ such change is ~~has been~~ filed.

1119 (8)(a) Any person who fraudulently claims this credit is
 1120 liable for repayment of the credit, plus a mandatory penalty in

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1121 the amount of 200 percent of the credit, plus interest at the
 1122 rate provided in s. 220.807, and commits a felony of the third
 1123 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1124 775.084.

1125 (b) Any person who makes an underpayment of tax as a
 1126 result of a grossly overstated claim for this credit commits ~~is~~
 1127 ~~guilty of~~ a felony of the third degree, punishable as provided
 1128 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this
 1129 paragraph, a grossly overstated claim means a claim in an amount
 1130 in excess of 100 percent of the amount of credit allowable under
 1131 this section.

1132 (9) This section, except paragraph (1)(c) and subsection
 1133 (8), expires on the date specified in s. 290.016 for the
 1134 expiration of the Florida Enterprise Zone Act, and a business
 1135 may not begin claiming the enterprise zone jobs credit after
 1136 that date; however, the expiration of this section does not
 1137 affect the operation of any credit for which a business has
 1138 qualified under this section before that date, or any
 1139 carryforward of unused credit amounts as provided in paragraph
 1140 (1)(c).

1141 Section 13. Section 220.182, Florida Statutes, is amended
 1142 to read:

1143 220.182 Enterprise zone property tax credit.—

1144 (1)(a) ~~Beginning July 1, 1995,~~ There shall be allowed a
 1145 credit against the tax imposed by this chapter to any business
 1146 which establishes a new business as defined in s.

1147 220.03(1) (v) ~~(p)~~, expands an existing business as defined in s.

1148 220.03(1) (m) ~~(k)~~, or rebuilds an existing business as defined in

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1149 s. 220.03(1) (dd) ~~(u)~~ in this state. The credit shall be computed
 1150 annually as ad valorem taxes paid in this state, in the case of
 1151 a new business; the additional ad valorem tax paid in this state
 1152 resulting from assessments on additional real or tangible
 1153 personal property acquired to facilitate the expansion of an
 1154 existing business; or the ad valorem taxes paid in this state
 1155 resulting from assessments on property replaced or restored, in
 1156 the case of a rebuilt business, including pollution and waste
 1157 control facilities, or any part thereof, and including one or
 1158 more buildings or other structures, machinery, fixtures, and
 1159 equipment.

1160 (b) If the credit granted pursuant to this section is not
 1161 fully used in any one year, the unused amount may be carried
 1162 forward for a period not to exceed 5 years. The carryover credit
 1163 may be used in a subsequent year when the tax imposed by this
 1164 chapter for such year exceeds the credit for such year under
 1165 this section after applying the other credits and unused credit
 1166 carryovers in the order provided in s. 220.02(8). The amount of
 1167 credit taken under this section in any one year, however, may
 1168 ~~shall not exceed \$25,000, or, if no less than 20 percent of the~~
 1169 ~~employees of the business are residents of an enterprise zone,~~
 1170 ~~excluding temporary employees, the amount shall not exceed~~
 1171 ~~\$50,000.~~

1172 ~~(2) To be eligible to receive an expanded enterprise zone~~
 1173 ~~property tax credit of up to \$50,000, the business must provide~~
 1174 ~~a statement, under oath, on the form prescribed by the~~
 1175 ~~department for claiming the credit authorized by this section,~~
 1176 ~~that no less than 20 percent of its employees, excluding~~

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1177 ~~temporary and part-time employees, are residents of an~~
1178 ~~enterprise zone. It shall be a condition precedent to the~~
1179 ~~granting of each annual tax credit that such employment~~
1180 ~~requirements be fulfilled throughout each year during the 5-year~~
1181 ~~period of the credit. The statement shall set forth the name and~~
1182 ~~place of residence of each permanent employee on the last day of~~
1183 ~~business of the tax year for which the credit is claimed or, if~~
1184 ~~the employee is no longer employed or eligible for the credit on~~
1185 ~~that date, the last calendar day of the last full calendar month~~
1186 ~~the employee was employed or eligible for the credit at the~~
1187 ~~relevant site.~~

1188 (2)~~(3)~~ The credit shall be available to a new business for
1189 a period not to exceed the year in which ad valorem taxes are
1190 first levied against the business and the 4 years immediately
1191 thereafter. The credit shall be available to an expanded
1192 existing business for a period not to exceed the year in which
1193 ad valorem taxes are first levied on additional real or tangible
1194 personal property acquired to facilitate the expansion or
1195 rebuilding and the 4 years immediately thereafter. A ~~No~~ business
1196 may not ~~shall be entitled to~~ claim the credit authorized by this
1197 section, except any amount attributable to the carryover of a
1198 previously earned credit, for more than 5 consecutive years.

1199 (3)~~(4)~~ To be eligible for an enterprise zone property tax
1200 credit, a new, expanded, or rebuilt business shall file a notice
1201 with the property appraiser of the county in which the business
1202 property is located or to be located. The notice shall be filed
1203 no later than April 1 of the year in which new or additional
1204 real or tangible personal property acquired to facilitate such

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1205 new, expanded, or rebuilt facility is first subject to
 1206 assessment. The notice shall be made on a form prescribed by the
 1207 department and shall include separate descriptions of:

1208 (a) Real and tangible personal property owned or leased by
 1209 the business before ~~prior to~~ expansion, if any.

1210 (b) Net new or additional real and tangible personal
 1211 property acquired to facilitate the new, expanded, or rebuilt
 1212 facility.

1213 (4) ~~(5)~~ When filing for an enterprise zone property tax
 1214 credit as a new business, a business shall include a copy of its
 1215 receipt indicating payment of ad valorem taxes for the current
 1216 year.

1217 (5) ~~(6)~~ When filing for an enterprise zone property tax
 1218 credit as an expanded or rebuilt business, a business shall
 1219 include copies of its receipts indicating payment of ad valorem
 1220 taxes for the current year for prior existing property and for
 1221 expansion-related or rebuilt property.

1222 (6) ~~(7)~~ The receipts described in subsections (4) ~~(5)~~ and
 1223 (5) ~~(6)~~ shall indicate the assessed value of the property, the
 1224 property taxes paid, a brief description of the property, and an
 1225 indication, if applicable, that the property was separately
 1226 assessed as expansion-related or rebuilt property.

1227 (7) ~~(8)~~ The department may ~~has authority to~~ adopt rules
 1228 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
 1229 ~~provisions of this section~~ act.

1230 (8) ~~(9)~~ ~~It shall be the responsibility of~~ The taxpayer must
 1231 ~~to~~ affirmatively demonstrate to the satisfaction of the
 1232 department that he or she meets the requirements of this section

1233 aet.

1234 (9)~~(10)~~ When filing for an enterprise zone property tax
 1235 credit as an expansion of an existing business or as a new
 1236 business, it shall be a condition precedent to the granting of
 1237 each annual tax credit that there have been, throughout each
 1238 year during the 5-year period, at least ~~no fewer than~~ five more
 1239 employees than in the year preceding the initial granting of the
 1240 credit.

1241 (10)~~(11)~~ To apply for an enterprise zone property tax
 1242 credit, a new, expanded, or rebuilt business must file under
 1243 oath with the governing body or enterprise zone development
 1244 agency having jurisdiction over the enterprise zone where the
 1245 business is located, as applicable, an application prescribed by
 1246 the department for claiming the credit authorized by this
 1247 section. Within 10 working days after receipt of an application,
 1248 the governing body or enterprise zone development agency shall
 1249 review the application to determine if it contains all the
 1250 information required pursuant to this section and meets the
 1251 criteria set out in this section. The governing body or agency
 1252 shall certify all applications that contain the information
 1253 required pursuant to this section and meet the criteria set out
 1254 in this section as eligible to receive a credit. ~~If applicable,~~
 1255 ~~the governing body or agency shall also certify if 20 percent of~~
 1256 ~~the employees of the business are residents of an enterprise~~
 1257 ~~zone, excluding temporary and part-time employees.~~ The
 1258 certification shall be in writing, and a copy of the
 1259 certification shall be transmitted to the executive director of
 1260 the Department of Revenue. The business shall be responsible for

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1261 forwarding all certified applications to the department.

1262 (11)~~(12)~~ When filing for an enterprise zone property tax
 1263 credit, a business shall include the identifying number assigned
 1264 pursuant to s. 290.0065 to the enterprise zone in which the
 1265 business is located.

1266 (12)~~(13)~~ When filing for an enterprise zone property tax
 1267 credit, a business shall indicate whether the business is a
 1268 small business as defined in ~~by~~ s. 288.703~~(1)~~.

1269 (13)~~(14)~~ This section expires on the date specified in s.
 1270 290.016 for the expiration of the Florida Enterprise Zone Act,
 1271 and a business may not begin claiming the enterprise zone
 1272 property tax credit after that date; however, the expiration of
 1273 this section does not affect the operation of any credit for
 1274 which a business has qualified under this section before that
 1275 date, or any carryforward of unused credit amounts as provided
 1276 in paragraph (1) (b).

1277 Section 14. Subsection (1) of section 193.077, Florida
 1278 Statutes, is amended to read:

1279 193.077 Notice of new, rebuilt, or expanded property.—

1280 (1) The property appraiser shall accept notices on or
 1281 before April 1 of the year in which the new or additional real
 1282 or personal property acquired to establish a new business or
 1283 facilitate a business expansion or restoration is first subject
 1284 to assessment. The notice shall be filed, on a form prescribed
 1285 by the department, by any business seeking to qualify for an
 1286 enterprise zone property tax credit as a new or expanded
 1287 business pursuant to s. 220.182 (3)~~(4)~~.

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1288 Section 15. Paragraph (a) of subsection (5) of section
 1289 193.085, Florida Statutes, is amended to read:

1290 193.085 Listing all property.—

1291 (5) (a) Beginning in the year in which a notice of new,
 1292 rebuilt, or expanded property is accepted and certified pursuant
 1293 to s. 193.077 and for the 4 years immediately thereafter, the
 1294 property appraiser shall separately assess the prior existing
 1295 property and the expansion-related or rebuilt property, if any,
 1296 of each business having submitted said notice pursuant to s.
 1297 220.182(3)~~(4)~~. The listing of expansion-related or rebuilt
 1298 property on an assessment roll shall immediately follow the
 1299 listing of prior existing property for each expanded business.
 1300 However, beginning with the first assessment roll following
 1301 receipt of a notice from the department that a business has been
 1302 disallowed an enterprise zone property tax credit, the property
 1303 appraiser shall singly list the property of such business.

1304 Section 16. Paragraph (a) of subsection (15) of section
 1305 212.06, Florida Statutes, is amended to read:

1306 212.06 Sales, storage, use tax; collectible from dealers;
 1307 "dealer" defined; dealers to collect from purchasers;
 1308 legislative intent as to scope of tax.—

1309 (15) (a) When a contractor secures rock, shell, fill dirt,
 1310 or similar materials from a location that he or she owns or
 1311 leases and uses such materials to fulfill a real property
 1312 contract on the property of another person, the contractor is
 1313 the ultimate consumer of such materials and is liable for use
 1314 tax thereon. This paragraph does not apply to a person or a
 1315 corporation or affiliated group as defined in ~~by~~ s. 220.03(1) (b)

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1316 or (g) ~~(e)~~ that secures such materials from a location that he,
1317 she, or it owns for use on his, her, or its own property. The
1318 basis upon which the contractor shall remit the tax is the fair
1319 retail market value determined by establishing either the price
1320 he or she would have to pay for it on the open market or the
1321 price he or she would regularly charge if he or she sold it to
1322 other contractors or users.

1323 Section 17. Paragraph (b) of subsection (6) and paragraph
1324 (b) of subsection (7) of section 220.02, Florida Statutes, are
1325 amended to read:

1326 220.02 Legislative intent.—

1327 (6)

1328 (b) Any person charged with any criminal offense arising
1329 from a civil disorder associated with an emergency~~7~~ as defined
1330 in s. 220.03(1)~~(i)~~~~7~~ and found guilty, whether or not
1331 adjudication of guilt or imposition of sentence is suspended,
1332 deferred, or withheld, is not eligible to make application for,
1333 receive, or in any other manner enjoy the benefits or any form
1334 of assistance available under chapter 80-247, Laws of Florida.

1335 (7)

1336 (b) Any person charged with any criminal offense arising
1337 from a civil disorder associated with an emergency~~7~~ as defined
1338 in s. 220.03(1)~~(i)~~~~7~~ and found guilty, whether or not
1339 adjudication of guilt or imposition of sentence is suspended,
1340 deferred, or withheld, is not eligible to make application for,
1341 receive, or in any other manner enjoy the benefits or any form
1342 of assistance available under chapter 80-248, Laws of Florida.

1343 Section 18. Paragraphs (a) and (b) of subsection (2) of
 1344 section 220.183, Florida Statutes, are amended to read:

1345 220.183 Community contribution tax credit.—

1346 (2) ELIGIBILITY REQUIREMENTS.—

1347 (a) All community contributions by a business firm shall
 1348 be in the form specified in s. 220.03(1) (f) ~~(d)~~.

1349 (b)1. All community contributions must be reserved
 1350 exclusively for use in projects as defined in s.
 1351 220.03(1) (cc) ~~(t)~~.

1352 2. If, during the first 10 business days of the state
 1353 fiscal year, eligible tax credit applications for projects that
 1354 provide homeownership opportunities for low-income or very-low-
 1355 income households as defined in s. 420.9071(19) and (28) are
 1356 received for less than the annual tax credits available for
 1357 those projects, the Office of Tourism, Trade, and Economic
 1358 Development shall grant tax credits for those applications and
 1359 shall grant remaining tax credits on a first-come, first-served
 1360 basis for any subsequent eligible applications received before
 1361 the end of the state fiscal year. If, during the first 10
 1362 business days of the state fiscal year, eligible tax credit
 1363 applications for projects that provide homeownership
 1364 opportunities for low-income or very-low-income households as
 1365 defined in s. 420.9071(19) and (28) are received for more than
 1366 the annual tax credits available for those projects, the office
 1367 shall grant the tax credits for those applications as follows:

1368 a. If tax credit applications submitted for approved
 1369 projects of an eligible sponsor do not exceed \$200,000 in total,
 1370 the credit shall be granted in full if the tax credit

1371 applications are approved.

1372 b. If tax credit applications submitted for approved
 1373 projects of an eligible sponsor exceed \$200,000 in total, the
 1374 amount of tax credits granted under sub-subparagraph a. shall be
 1375 subtracted from the amount of available tax credits, and the
 1376 remaining credits shall be granted to each approved tax credit
 1377 application on a pro rata basis.

1378 3. If, during the first 10 business days of the state
 1379 fiscal year, eligible tax credit applications for projects other
 1380 than those that provide homeownership opportunities for low-
 1381 income or very-low-income households as defined in s.

1382 420.9071(19) and (28) are received for less than the annual tax
 1383 credits available for those projects, the office shall grant tax
 1384 credits for those applications and shall grant remaining tax
 1385 credits on a first-come, first-served basis for any subsequent
 1386 eligible applications received before the end of the state
 1387 fiscal year. If, during the first 10 business days of the state
 1388 fiscal year, eligible tax credit applications for projects other
 1389 than those that provide homeownership opportunities for low-
 1390 income or very-low-income households as defined in s.

1391 420.9071(19) and (28) are received for more than the annual tax
 1392 credits available for those projects, the office shall grant the
 1393 tax credits for those applications on a pro rata basis.

1394 Section 19. Paragraph (g) of subsection (2) of section
 1395 220.193, Florida Statutes, is amended to read:

1396 220.193 Florida renewable energy production credit.-

1397 (2) As used in this section, the term:

1398 (g) "Taxpayer" includes a general partnership, limited

1399 partnership, limited liability company, trust, or other
 1400 artificial entity in which a corporation~~r~~ as defined in s.
 1401 220.03(1)~~(e)~~, owns an interest and is taxed as a partnership or
 1402 is disregarded as a separate entity from the corporation under
 1403 this chapter.

1404 Section 20. Paragraphs (a) and (u) of subsection (1) and
 1405 paragraph (f) of subsection (2) of section 288.1045, Florida
 1406 Statutes, are amended to read:

1407 288.1045 Qualified defense contractor and space flight
 1408 business tax refund program.—

1409 (1) DEFINITIONS.—As used in this section:

1410 (a) "Applicant" means any business entity that holds a
 1411 valid Department of Defense contract or space flight business
 1412 contract, any business entity that is a subcontractor under a
 1413 valid Department of Defense contract or space flight business
 1414 contract, or any business entity that holds a valid contract for
 1415 the reuse of a defense-related facility, including all members
 1416 of an affiliated group of corporations as defined in s.
 1417 220.03(1)~~(b)~~.

1418 (u) "Taxable year" has ~~means~~ the same meaning as provided
 1419 in s. 220.03(1)~~(y)~~.

1420 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1421 (f) After entering into a tax refund agreement pursuant to
 1422 subsection (4), a qualified applicant may:

1423 1. Receive refunds from the account for corporate income
 1424 taxes due and paid pursuant to chapter 220 by that business
 1425 beginning with the first taxable year of the business which
 1426 begins after entering into the agreement.

1427 2. Receive refunds from the account for the following
 1428 taxes due and paid by that business after entering into the
 1429 agreement:

1430 a. Taxes on sales, use, and other transactions paid
 1431 pursuant to chapter 212.

1432 b. Intangible personal property taxes paid pursuant to
 1433 chapter 199.

1434 c. Emergency excise taxes paid pursuant to chapter 221.

1435 d. Excise taxes paid on documents pursuant to chapter 201.

1436 e. Ad valorem taxes paid, ~~as defined in s. 220.03(1)(a)~~ on
 1437 June 1, 1996.

1438 f. State communications services taxes administered under
 1439 chapter 202. This provision does not apply to the gross receipts
 1440 tax imposed under chapter 203 and administered under chapter 202
 1441 or the local communications services tax authorized under s.
 1442 202.19.

1443

1444 However, a qualified applicant may not receive a tax refund
 1445 pursuant to this section for any amount of credit, refund, or
 1446 exemption granted such contractor for any of such taxes. If a
 1447 refund for such taxes is provided by the office, which taxes are
 1448 subsequently adjusted by the application of any credit, refund,
 1449 or exemption granted to the qualified applicant other than that
 1450 provided in this section, the qualified applicant shall
 1451 reimburse the Economic Development Trust Fund for the amount of
 1452 such credit, refund, or exemption. A qualified applicant must
 1453 notify and tender payment to the office within 20 days after
 1454 receiving a credit, refund, or exemption, other than that

1455 provided in this section. The addition of communications
 1456 services taxes administered under chapter 202 is remedial in
 1457 nature and retroactive to October 1, 2001. The office may make
 1458 supplemental tax refund payments to allow for tax refunds for
 1459 communications services taxes paid by an eligible qualified
 1460 defense contractor after October 1, 2001.

1461 Section 21. Paragraph (u) of subsection (2) of section
 1462 288.106, Florida Statutes, is amended to read:

1463 288.106 Tax refund program for qualified target industry
 1464 businesses.—

1465 (2) DEFINITIONS.—As used in this section:

1466 (u) "Taxable year" has the same meaning as provided means
 1467 ~~taxable year as defined in s. 220.03(1)(y).~~

1468 Section 22. Section 290.00677, Florida Statutes, is
 1469 amended to read:

1470 290.00677 Rural enterprise zones; special qualifications.—

1471 (1) An ~~Notwithstanding the enterprise zone residency~~
 1472 ~~requirements set out in s. 212.096(1)(c),~~ eligible business
 1473 ~~businesses~~ as defined in s. 212.096(1)(a) located in rural
 1474 enterprise zones as defined in s. 290.004 may receive the basic
 1475 minimum credit provided under s. 212.096 for creating a new job
 1476 and hiring a person residing within the jurisdiction of a rural
 1477 community as defined in s. 288.106(2). All other provisions of
 1478 s. 212.096, including, but not limited to, those relating to the
 1479 award of enhanced credits, apply to such businesses.

1480 (2) A business ~~Notwithstanding the enterprise zone~~
 1481 ~~residency requirements set out in s. 220.03(1)(g),~~ businesses as
 1482 defined in s. 220.03(1)(c) located in rural enterprise zones as

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1483 defined in s. 290.004 may receive the basic minimum credit
 1484 provided under s. 220.181 for creating a new job and hiring a
 1485 person residing within the jurisdiction of a rural community as
 1486 defined in s. 288.106(2). The ~~All other~~ provisions of s.
 1487 220.181, including, but not limited to, those relating to the
 1488 award of enhanced credits, apply to such businesses.

1489 Section 23. Paragraph (b) of subsection (2) and paragraph
 1490 (e) of subsection (5) of section 624.5105, Florida Statutes, are
 1491 amended to read:

1492 624.5105 Community contribution tax credit; authorization;
 1493 limitations; eligibility and application requirements;
 1494 administration; definitions; expiration.—

1495 (2) ELIGIBILITY REQUIREMENTS.—

1496 (b) Each community contribution must be reserved
 1497 exclusively for use in a project as defined in s. 220.03(1) ~~(t)~~.

1498 (5) DEFINITIONS.—For the purpose of this section:

1499 (e) "Project" means an activity as defined in s.

1500 220.03(1) (cc) ~~(t)~~.

1501 Section 24. The amendments made by this act to ss. 212.08,
 1502 212.096, 220.03, 220.181, and 220.182, Florida Statutes, shall
 1503 apply prospectively and do not affect the operation of any
 1504 credit for which a business has qualified before the effective
 1505 date of this act.

1506 Section 25. This act shall take effect July 1, 2011.