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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2011	.	
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The Committee on Communications, Energy, and Public Utilities (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 377.809, Florida Statutes, is amended, and subsections (5) through (8) are added to that section, to read:

377.809 Energy Economic Zone Pilot Program.—

(4) ~~If the pilot project is ongoing,~~ The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit a report to the Governor, the President of the Senate, and the Speaker of the



471818

13 House of Representatives by February 15, 2015 ~~2012~~, evaluating
14 whether the pilot program has demonstrated success. The report
15 shall contain recommendations with regard to whether the program
16 should be expanded for use by other local governments and
17 whether state policies should be revised to encourage the goals
18 of the program.

19 (5) Beginning July 1, 2012, all the incentives and benefits
20 provided to enterprise zones pursuant to state law shall be
21 available to the energy economic zones designated by July 1,
22 2010, pursuant to s. 377.809. In order to provide incentives, no
23 later than March 1, 2012, each local governing body having
24 jurisdiction over an energy economic zone shall, by local
25 ordinance, establish boundaries of the energy economic zone,
26 specify applicable energy-efficiency standards, and determine
27 eligibility criteria for application of state and local
28 incentives and benefits in the energy economic zone. However, in
29 order to receive benefits provided under s. 288.106, a business
30 must be a qualified target industry business under s. 288.106
31 for state purposes. Boundaries may be revised by local
32 ordinance. Such incentives and benefits include those in ss.
33 220.181, 220.182, 212.08, 220.183, 624.5105, 212.096, and
34 288.106 and the public utility discounts provided in s.
35 290.007(8). The exemption provided in s. 212.08(5)(c) shall be
36 for renewable energy as defined in s. 377.803(4). For purposes
37 of this section, any applicable requirements for employee
38 residency for higher refund or credit thresholds shall be based
39 on employee residency in the energy economic zone or an
40 enterprise zone. A business in an energy economic zone may also
41 be eligible for funding under ss. 288.047 and 445.003, and a



471818

42 transportation project in an energy economic zone shall be
43 provided priority in funding under s. 288.063. Other projects
44 shall be given priority ranking to the extent practicable for
45 grants administered under state energy programs.

46 (6) Effective July 1, 2012, the total amount of state
47 credits, refunds, and exemptions that may be provided by the
48 governing body of each energy economic zone to eligible
49 businesses for energy-economic-zone incentives pursuant to
50 subsection (5) is \$300,000 per designated energy economic zone
51 in any state fiscal year. A credit or refund that is applied for
52 after each \$300,000 limit is reached shall be disallowed by the
53 governing body of the energy economic zone. If the \$300,000
54 incentive cap is not fully used in any one state fiscal year by
55 an energy economic zone, the unused amount under the cap may be
56 carried forward for not more than 5 years. The local governing
57 body having jurisdiction over the energy economic zone is
58 responsible for allocating the incentives, for verifying that
59 businesses receiving such incentives are eligible for the
60 incentives provided, and for ensuring that the incentives
61 provided do not exceed the cap for the state fiscal year.

62 (7) Upon approving an incentive for an eligible business,
63 the governing body having jurisdiction over the energy economic
64 zone shall provide the taxpayer with a certificate indicating
65 the eligible businesses' name, federal identification number,
66 date the incentive is provided, name of the energy economic
67 zone, incentive type, and the incentive amount. The local
68 governing body shall certify to the Department of Revenue or the
69 Office of Tourism, Trade, and Economic Development, whichever is
70 applicable, which businesses or properties are eligible to



471818

71 receive any or all of the state incentives according to their
72 statutory requirements. The governing body having jurisdiction
73 over the energy economic zone shall provide a copy of the
74 certificate to the Department of Revenue and the Office of
75 Tourism, Trade, and Economic Development as notification that
76 such incentives were approved for the specific eligible business
77 or property. For incentives to be claimed against the sales and
78 use tax under chapter 212, the Department of Revenue shall send,
79 within 14 days after receipt, written instructions to an
80 eligible business on how to claim the credit on a sales and use
81 tax return initiated through an electronic data interchange. Any
82 credit against the sales and use tax shall be deducted from any
83 sales and use tax remitted by the dealer to the Department of
84 Revenue by electronic funds transfer and may be deducted only on
85 a sales and use tax return initiated through an electronic data
86 interchange. The dealer shall separately state the credit on the
87 electronic return. The net amount of tax due and payable must be
88 remitted by electronic funds transfer. If the credit is larger
89 than the amount owed on the sales and use tax return, such
90 excess amounts may be carried forward for a period not to exceed
91 12 months following the date the credit is initially claimed.

92 (8) If all conditions are deemed met, the Office of
93 Tourism, Trade, and Economic Development and the Department of
94 Revenue may adopt emergency rules pursuant to ss. 120.536(1) and
95 120.54 to administer the provisions of this subsections (5)-(7).
96 The emergency rules shall remain in effect for 6 months after
97 the rules are adopted, and the rules may be renewed during the
98 pendency of procedures to adopt permanent rules addressing the
99 subject of the emergency rules.



471818

100 Section 2. Paragraph (u) is added to subsection (24) of
101 section 380.06, Florida Statutes, to read:

102 380.06 Developments of regional impact.—

103 (24) STATUTORY EXEMPTIONS.—

104 (u) Any development in an energy economic zone designated
105 pursuant to s. 377.809, shall be exempt from this section upon
106 approval of its local governing body.

107
108 If a use is exempt from review as a development of regional
109 impact under paragraphs (a)-(s), but will be part of a larger
110 project that is subject to review as a development of regional
111 impact, the impact of the exempt use must be included in the
112 review of the larger project, unless such exempt use involves a
113 development of regional impact that includes a landowner,
114 tenant, or user that has entered into a funding agreement with
115 the Office of Tourism, Trade, and Economic Development under the
116 Innovation Incentive Program and the agreement contemplates a
117 state award of at least \$50 million.

118 Section 3. This act shall take effect July 1, 2011.

119
120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete everything before the enacting clause
123 and insert:

124 A bill to be entitled
125 An act relating to energy economic zones; amending s.
126 377.809, F.S.; deleting an obsolete provision;
127 revising the date by which the Department of Community
128 Affairs, with the assistance of the Office of Tourism,



471818

129 Trade, and Economic Development, must submit a report
130 to the Governor and Legislature evaluating whether the
131 Energy Economic Zone Pilot Program has demonstrated
132 success; requiring that all incentives and benefits
133 provided to enterprise zones be made available to
134 energy economic zones by a specified date; requiring
135 each local governing body having jurisdiction over an
136 energy economic zone to establish boundaries of the
137 energy economic zone, specify applicable energy-
138 efficiency standards, and determine eligibility
139 criteria for application of state and local incentives
140 and benefits; requiring that a business be a qualified
141 target industry business for state purposes; providing
142 that boundaries may be revised by local ordinance;
143 specifying the incentives and benefits; requiring that
144 applicable requirements for employee residency for
145 higher refund or credit thresholds be based on
146 employee residency in the energy economic zone or an
147 enterprise zone; providing that certain businesses are
148 eligible for funding and other businesses have
149 priority for funding; providing a cap on the total
150 amount of state credits, refunds, and exemptions that
151 may be provided to eligible businesses for energy-
152 economic-zone incentives; authorizing the unused
153 amount of a credit to be carried forward for a limited
154 period; providing that the local governing body having
155 jurisdiction over the energy economic zone is
156 responsible for allocating the incentives and
157 verifying eligibility of businesses to receive



471818

158 incentives; requiring the governing body to provide
159 the taxpayer with a certificate indicating
160 eligibility; requiring the local governing body to
161 certify to the Department of Revenue or the Office of
162 Tourism, Trade, and Economic Development which
163 businesses or properties are eligible to receive state
164 incentives; requiring the Department of Revenue to
165 send written instructions to the eligible businesses
166 on claiming the credit on a sales and use tax return
167 initiated through an electronic data interchange;
168 authorizing the Office of Tourism, Trade, and Economic
169 Development and the Department of Revenue to adopt
170 emergency rules; providing for renewal of the rules;
171 amending s. 380.06, F.S.; providing that certain
172 developments in an energy economic zone are exempt
173 from review as a development of regional impact;
174 providing an effective date.