

By Senator Lynn

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1 A bill to be entitled
 2 An act relating to the Florida Industrial Development
 3 Corporation; repealing provisions of ch. 289, F.S.,
 4 relating to the Florida Industrial Development
 5 Corporation; amending ss. 212.08, 220.183, 220.62,
 6 440.491, and 658.67, F.S.; deleting references to
 7 conform to changes made by the act; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Sections 289.011, 289.021, 289.031, 289.041,
 13 289.051, 289.061, 289.071, 289.081, 289.091, 289.101, 289.111,
 14 289.121, 289.131, 289.141, 289.151, 289.161, 289.171, 289.181,
 15 289.191, and 289.201, Florida Statutes, are repealed.

16 Section 2. Paragraph (p) of subsection (5) of section
 17 212.08, Florida Statutes, is amended to read:

18 212.08 Sales, rental, use, consumption, distribution, and
 19 storage tax; specified exemptions.—The sale at retail, the
 20 rental, the use, the consumption, the distribution, and the
 21 storage to be used or consumed in this state of the following
 22 are hereby specifically exempt from the tax imposed by this
 23 chapter.

24 (5) EXEMPTIONS; ACCOUNT OF USE.—

25 (p) *Community contribution tax credit for donations.*—

26 1. Authorization.—Persons who are registered with the
 27 department under s. 212.18 to collect or remit sales or use tax
 28 and who make donations to eligible sponsors are eligible for tax
 29 credits against their state sales and use tax liabilities as

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30 provided in this paragraph:

31 a. The credit shall be computed as 50 percent of the
32 person's approved annual community contribution.

33 b. The credit shall be granted as a refund against state
34 sales and use taxes reported on returns and remitted in the 12
35 months preceding the date of application to the department for
36 the credit as required in sub-subparagraph 3.c. If the annual
37 credit is not fully used through such refund because of
38 insufficient tax payments during the applicable 12-month period,
39 the unused amount may be included in an application for a refund
40 made pursuant to sub-subparagraph 3.c. in subsequent years
41 against the total tax payments made for such year. Carryover
42 credits may be applied for a 3-year period without regard to any
43 time limitation that would otherwise apply under s. 215.26.

44 c. A person may not receive more than \$200,000 in annual
45 tax credits for all approved community contributions made in any
46 one year.

47 d. All proposals for the granting of the tax credit require
48 the prior approval of the Office of Tourism, Trade, and Economic
49 Development.

50 e. The total amount of tax credits which may be granted for
51 all programs approved under this paragraph, s. 220.183, and s.
52 624.5105 is \$10.5 million annually for projects that provide
53 homeownership opportunities for low-income or very-low-income
54 households as defined in s. 420.9071(19) and (28) and \$3.5
55 million annually for all other projects.

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

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59 2. Eligibility requirements.-

60 a. A community contribution by a person must be in the
61 following form:

62 (I) Cash or other liquid assets;

63 (II) Real property;

64 (III) Goods or inventory; or

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

67 b. All community contributions must be reserved exclusively
68 for use in a project. As used in this sub-subparagraph, the term
69 "project" means any activity undertaken by an eligible sponsor
70 which is designed to construct, improve, or substantially
71 rehabilitate housing that is affordable to low-income or very-
72 low-income households as defined in s. 420.9071(19) and (28);
73 designed to provide commercial, industrial, or public resources
74 and facilities; or designed to improve entrepreneurial and job-
75 development opportunities for low-income persons. A project may
76 be the investment necessary to increase access to high-speed
77 broadband capability in rural communities with enterprise zones,
78 including projects that result in improvements to communications
79 assets that are owned by a business. A project may include the
80 provision of museum educational programs and materials that are
81 directly related to any project approved between January 1,
82 1996, and December 31, 1999, and located in an enterprise zone
83 designated pursuant to s. 290.0065. This paragraph does not
84 preclude projects that propose to construct or rehabilitate
85 housing for low-income or very-low-income households on
86 scattered sites. With respect to housing, contributions may be
87 used to pay the following eligible low-income and very-low-

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88 income housing-related activities:

89 (I) Project development impact and management fees for low-
90 income or very-low-income housing projects;

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

93 (III) Administrative costs, including housing counseling
94 and marketing fees, not to exceed 10 percent of the community
95 contribution, directly related to low-income or very-low-income
96 projects; and

97 (IV) Removal of liens recorded against residential property
98 by municipal, county, or special district local governments when
99 satisfaction of the lien is a necessary precedent to the
100 transfer of the property to an eligible person, as defined in s.
101 420.9071(19) and (28), for the purpose of promoting home
102 ownership. Contributions for lien removal must be received from
103 a nonrelated third party.

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

106 (I) A community action program;

107 (II) A nonprofit community-based development organization
108 whose mission is the provision of housing for low-income or
109 very-low-income households or increasing entrepreneurial and
110 job-development opportunities for low-income persons;

111 (III) A neighborhood housing services corporation;

112 (IV) A local housing authority created under chapter 421;

113 (V) A community redevelopment agency created under s.
114 163.356;

115 ~~(VI) The Florida Industrial Development Corporation;~~

116 (VI) ~~(VII)~~ A historic preservation district agency or

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117 organization;

118 (VII) ~~(VIII)~~ A regional workforce board;

119 (VIII) ~~(IX)~~ A direct-support organization as provided in s.
120 1009.983;

121 (IX) ~~(X)~~ An enterprise zone development agency created under
122 s. 290.0056;

123 (X) ~~(XI)~~ A community-based organization incorporated under
124 chapter 617 which is recognized as educational, charitable, or
125 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
126 and whose bylaws and articles of incorporation include
127 affordable housing, economic development, or community
128 development as the primary mission of the corporation;

129 (XI) ~~(XII)~~ Units of local government;

130 (XII) ~~(XIII)~~ Units of state government; or

131 (XIII) ~~(XIV)~~ Any other agency that the Office of Tourism,
132 Trade, and Economic Development designates by rule.

133

134 In no event may a contributing person have a financial interest
135 in the eligible sponsor.

136 d. The project must be located in an area designated an
137 enterprise zone or a Front Porch Florida Community pursuant to
138 s. 20.18(6), unless the project increases access to high-speed
139 broadband capability for rural communities with enterprise zones
140 but is physically located outside the designated rural zone
141 boundaries. Any project designed to construct or rehabilitate
142 housing for low-income or very-low-income households as defined
143 in s. 420.9071(19) and (28) is exempt from the area requirement
144 of this sub-subparagraph.

145 e.(I) If, during the first 10 business days of the state

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146 fiscal year, eligible tax credit applications for projects that
147 provide homeownership opportunities for low-income or very-low-
148 income households as defined in s. 420.9071(19) and (28) are
149 received for less than the annual tax credits available for
150 those projects, the Office of Tourism, Trade, and Economic
151 Development shall grant tax credits for those applications and
152 shall grant remaining tax credits on a first-come, first-served
153 basis for any subsequent eligible applications received before
154 the end of the state fiscal year. If, during the first 10
155 business days of the state fiscal year, eligible tax credit
156 applications for projects that provide homeownership
157 opportunities for low-income or very-low-income households as
158 defined in s. 420.9071(19) and (28) are received for more than
159 the annual tax credits available for those projects, the office
160 shall grant the tax credits for those applications as follows:

161 (A) If tax credit applications submitted for approved
162 projects of an eligible sponsor do not exceed \$200,000 in total,
163 the credits shall be granted in full if the tax credit
164 applications are approved.

165 (B) If tax credit applications submitted for approved
166 projects of an eligible sponsor exceed \$200,000 in total, the
167 amount of tax credits granted pursuant to sub-sub-sub-
168 subparagraph (A) shall be subtracted from the amount of
169 available tax credits, and the remaining credits shall be
170 granted to each approved tax credit application on a pro rata
171 basis.

172 (II) If, during the first 10 business days of the state
173 fiscal year, eligible tax credit applications for projects other
174 than those that provide homeownership opportunities for low-

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175 income or very-low-income households as defined in s.
176 420.9071(19) and (28) are received for less than the annual tax
177 credits available for those projects, the office shall grant tax
178 credits for those applications and shall grant remaining tax
179 credits on a first-come, first-served basis for any subsequent
180 eligible applications received before the end of the state
181 fiscal year. If, during the first 10 business days of the state
182 fiscal year, eligible tax credit applications for projects other
183 than those that provide homeownership opportunities for low-
184 income or very-low-income households as defined in s.
185 420.9071(19) and (28) are received for more than the annual tax
186 credits available for those projects, the office shall grant the
187 tax credits for those applications on a pro rata basis.

188 3. Application requirements.-

189 a. Any eligible sponsor seeking to participate in this
190 program must submit a proposal to the Office of Tourism, Trade,
191 and Economic Development which sets forth the name of the
192 sponsor, a description of the project, and the area in which the
193 project is located, together with such supporting information as
194 is prescribed by rule. The proposal must also contain a
195 resolution from the local governmental unit in which the project
196 is located certifying that the project is consistent with local
197 plans and regulations.

198 b. Any person seeking to participate in this program must
199 submit an application for tax credit to the office which sets
200 forth the name of the sponsor, a description of the project, and
201 the type, value, and purpose of the contribution. The sponsor
202 shall verify the terms of the application and indicate its
203 receipt of the contribution, which verification must be in

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204 writing and accompany the application for tax credit. The person
205 must submit a separate tax credit application to the office for
206 each individual contribution that it makes to each individual
207 project.

208 c. Any person who has received notification from the office
209 that a tax credit has been approved must apply to the department
210 to receive the refund. Application must be made on the form
211 prescribed for claiming refunds of sales and use taxes and be
212 accompanied by a copy of the notification. A person may submit
213 only one application for refund to the department within any 12-
214 month period.

215 4. Administration.—

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

220 b. The decision of the office must be in writing, and, if
221 approved, the notification shall state the maximum credit
222 allowable to the person. Upon approval, the office shall
223 transmit a copy of the decision to the Department of Revenue.

224 c. The office shall periodically monitor all projects in a
225 manner consistent with available resources to ensure that
226 resources are used in accordance with this paragraph; however,
227 each project must be reviewed at least once every 2 years.

228 d. The office shall, in consultation with the Department of
229 Community Affairs and the statewide and regional housing and
230 financial intermediaries, market the availability of the
231 community contribution tax credit program to community-based
232 organizations.

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233 5. Expiration.—This paragraph expires June 30, 2015;
 234 however, any accrued credit carryover that is unused on that
 235 date may be used until the expiration of the 3-year carryover
 236 period for such credit.

237 Section 3. Paragraph (c) of subsection (2) of section
 238 220.183, Florida Statutes, is amended to read:

239 220.183 Community contribution tax credit.—

240 (2) ELIGIBILITY REQUIREMENTS.—

241 (c) The project must be undertaken by an “eligible
 242 sponsor,” defined here as:

243 1. A community action program;

244 2. A nonprofit community-based development organization
 245 whose mission is the provision of housing for low-income or
 246 very-low-income households or increasing entrepreneurial and
 247 job-development opportunities for low-income persons;

248 3. A neighborhood housing services corporation;

249 4. A local housing authority, created pursuant to chapter
 250 421;

251 5. A community redevelopment agency, created pursuant to s.
 252 163.356;

253 ~~6. The Florida Industrial Development Corporation;~~

254 6.7. An historic preservation district agency or
 255 organization;

256 7.8. A regional workforce board;

257 8.9. A direct-support organization as provided in s.
 258 1009.983;

259 9.10. An enterprise zone development agency created
 260 pursuant to s. 290.0056;

261 10.11. A community-based organization incorporated under

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262 chapter 617 which is recognized as educational, charitable, or
263 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
264 and whose bylaws and articles of incorporation include
265 affordable housing, economic development, or community
266 development as the primary mission of the corporation;

267 11.12. Units of local government;

268 12.13. Units of state government; or

269 13.14. Such other agency as the Office of Tourism, Trade,
270 and Economic Development may, from time to time, designate by
271 rule.

272

273 In no event shall a contributing business firm have a financial
274 interest in the eligible sponsor.

275 Section 4. Subsection (1) of section 220.62, Florida
276 Statutes, is amended to read:

277 220.62 Definitions.—For purposes of this part:

278 (1) The term "bank" means a bank holding company registered
279 under the Bank Holding Company Act of 1956 of the United States,
280 12 U.S.C. ss. 1841-1849, as amended, or a bank or trust company
281 incorporated and doing business under the laws of the United
282 States (including laws relating to the District of Columbia), of
283 any state, or of any territory, a substantial part of the
284 business of which consists of receiving deposits and making
285 loans and discounts or of exercising fiduciary powers similar to
286 those permitted to national banks under authority of the
287 Comptroller of the Currency and which is subject by law to
288 supervision and examination by state, territorial, or federal
289 authority having supervision over banking institutions. The term
290 "bank" also includes any banking association, corporation, or

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291 other similar organization organized and operated under the laws
292 of any foreign country, which banking association, corporation,
293 or other organization is also operating in this state pursuant
294 to chapter 663, ~~and further includes any corporation organized~~
295 ~~under chapter 289.~~

296 Section 5. Paragraph (b) of subsection (5) of section
297 440.491, Florida Statutes, is amended to read:

298 440.491 Reemployment of injured workers; rehabilitation.—

299 (5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

300 (b) If the rehabilitation provider concludes that training
301 and education are necessary to return the employee to suitable
302 gainful employment, or if the employee has not returned to
303 suitable gainful employment within 180 days after referral for
304 reemployment services or receives \$2,500 in reemployment
305 services, whichever comes first, the carrier must discontinue
306 reemployment services and refer the employee to the department
307 for a vocational evaluation. Notwithstanding any provision of
308 ~~chapter 289~~ or chapter 627, the cost of a reemployment
309 assessment and the first \$2,500 in reemployment services to an
310 injured employee must not be treated as loss adjustment expense
311 for workers' compensation ratemaking purposes.

312 Section 6. Subsection (4) of section 658.67, Florida
313 Statutes, is amended to read:

314 658.67 Investment powers and limitations.—A bank may invest
315 its funds, and a trust company may invest its corporate funds,
316 subject to the following definitions, restrictions, and
317 limitations:

318 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
319 LESS OF CAPITAL ACCOUNTS.—

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320 (a) Up to 10 percent of the capital accounts of the
321 purchasing bank or trust company may be used to invest in any
322 single issue of industrial development bonds issued for the
323 benefit of a specified corporation.

324 (b) Up to an aggregate of 10 percent of the capital
325 accounts of the purchasing bank or trust company may be used to
326 invest in tax lien certificates.

327 (c) Up to 5 percent of the capital accounts of the
328 purchasing bank or trust company may be used to invest in or
329 purchase bonds or other evidences of indebtedness of the State
330 of Israel.

331 (d) Up to 2 percent of the capital accounts of the
332 purchasing bank or trust company may be used to invest in the
333 stock of a community corporation organized to promote the
334 physical, social, or moral well-being of the members of the
335 community where the bank or trust company is located.

336 ~~(e) Up to 1 percent of the capital accounts of the~~
337 ~~purchasing bank or trust company may be used to invest in the~~
338 ~~stock of the Florida Industrial Development Corporation.~~

339 (e)~~(f)~~ Up to 1 percent of the capital accounts of the
340 purchasing bank or trust company may be used to invest in the
341 stock of the Housing Development Corporation of Florida. The
342 purchasing bank or trust company may thereafter deal in the
343 securities or other evidences of debt of such corporation as
344 provided for in chapter 420.

345 (f)~~(g)~~ Up to 10 percent of the capital accounts of a bank
346 or trust company may be invested in any capital participation
347 instrument or evidence of indebtedness issued by the Florida
348 Black Business Investment Board pursuant to the Florida Small

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349 and Minority Business Assistance Act.

350 Section 7. This act shall take effect July 1, 2011.