

1 A bill to be entitled
2 An act relating to corporate transparency in the state
3 budget; providing a short title; providing
4 definitions; requiring each granting body and
5 applicant for a development subsidy to complete an
6 application on a form prepared by the Department of
7 Economic Opportunity; prescribing information that
8 must be contained in the application; establishing
9 procedures and public notice and hearing requirements;
10 requiring each contracting agency and applicant for a
11 contract bid to complete an application prepared by
12 the Department of Economic Opportunity; prescribing
13 the contents of the application; establishing
14 procedures and public notice and hearing requirements;
15 prescribing measurable standards; requiring each
16 granting body and recipient of a subsidy to complete
17 an annual economic development subsidy report on a
18 form prepared by the Department of Economic
19 Opportunity; detailing the criteria for the report;
20 requiring a biennial report; requiring the publication
21 of the data derived from those reports by the
22 department in written and electronic formats and on
23 the department's website; requiring a final agency
24 report; providing for the imposition of fines for the
25 failure to provide certain information; requiring
26 annual and biennial reports on contracts involving the
27 contracting agency and the contract recipient;
28 prescribing details of those reports; requiring the

29 publication of the data derived from those reports by
30 the department in written and electronic formats and
31 on the department's website; requiring a final agency
32 report; providing for the imposition of fines for the
33 failure to provide certain information; authorizing
34 the Auditor General to conduct an audit of contractor
35 performance under a contract entered into with a state
36 contracting agency; providing parameters for the
37 audit; providing a taxpayer remedy to compel
38 enforcement of the provisions of the act and
39 authorizing reasonable attorney fees and costs to a
40 prevailing taxpayer or organization; requiring the
41 Department of Economic Opportunity to compile and
42 report an annual tax expenditure budget with revenue
43 impacts equal to or exceeding a certain amount;
44 establishing criteria for the budget; requiring the
45 Department of Economic Opportunity to submit a report
46 to the Governor and Legislature assessing certain
47 credits, abatements, exemptions, and reductions;
48 providing criteria for the report; providing for the
49 publication of data from the report; requiring the
50 unified reporting of public contracts by a contracting
51 agency; establishing criteria for those reports;
52 requiring the Department of Economic Opportunity to
53 compile data concerning annual contracts and to report
54 the data to the Governor and Legislature; requiring
55 publication of the data by the department in written
56 and electronic formats and on the department's

57 | website; requiring each property taxing entity to
58 | submit an annual report for a property receiving tax
59 | abatement or reduction during the fiscal year to the
60 | Department of Economic Opportunity; prescribing
61 | requirements for the report; requiring the department
62 | to annually publish the data contained in the reports
63 | in written and electronic formats and on the
64 | department's website; authorizing the Department of
65 | Revenue to withhold tax reductions or abatements from
66 | a delinquent taxing entity that fails to file reports;
67 | providing a taxpayer remedy to compel enforcement of
68 | the provisions of the act and authorizing reasonable
69 | attorney fees and costs to a prevailing taxpayer or
70 | organization; clarifying that the act may not be
71 | construed to require or authorize a recipient
72 | corporation to reduce wages or benefits established
73 | under a collective bargaining agreement or state or
74 | federal wage law; requiring certain corporations doing
75 | business in the state to file a tax disclosure
76 | statement with the Department of Revenue; specifying
77 | when the statement shall be filed and the contents of
78 | the statement; requiring certain information that must
79 | be reported or used in preparing certain tax returns;
80 | providing an alternative statement option for certain
81 | corporations; permitting supplemental information;
82 | requiring a revised tax disclosure statement when a
83 | corporation files an amended tax return; requiring
84 | that the Department of Revenue make the tax disclosure

85 statements available to the public through a
 86 searchable database accessible through the Internet;
 87 providing that the accuracy of the statements be
 88 attested to by the chief operating officer of the
 89 corporation and subject to an audit by the Department
 90 of Revenue; requiring the Department of Revenue to
 91 develop an oversight and penalty system and publish
 92 the name and penalty imposed upon a corporation;
 93 authorizing rulemaking authority; providing an
 94 effective date.

95
 96 Be It Enacted by the Legislature of the State of Florida:

97
 98 Section 1. This act may be cited as the "Corporate
 99 Transparency in the State Budget Act."

100 Section 2. Definitions.—As used in this act, the term:

101 (1) "Consulting services" means work that a person other
 102 than a regular employee of a state contracting agency or local
 103 contracting agency does for or on behalf of the agency in return
 104 for compensation provided under the terms of a public contract.

105 The work may include, but is not limited to:

106 (a) Performing or providing research, analysis,
 107 assessments, data processing or computer programming, training
 108 or education, accounting, audits or evaluations, treatment, or
 109 security;

110 (b) Giving professional advice or recommendations;

111 (c) Designing business or communications processes,
 112 procedures, methods, or strategies; or

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113 (d) Other work related to the functions of the state
114 contracting agency or local contracting agency.

115 (2) "Contract" means any expenditure of public funds of at
116 least \$25,000 for the purpose of establishing an agreement or
117 outlining a transaction between an entity and a government body
118 to perform a specific service for compensation.

119 (3) "Contracting agency" means any agency of the state or
120 a local government unit that awards contracts.

121 (4) "Contractor" means any person other than a regular
122 employee of a state contracting agency or local contracting
123 agency who performs work for or on behalf of the agency in
124 return for compensation provided under the terms of a public
125 contract.

126 (5) "Corporate parent" means any person, association,
127 corporation, joint venture, partnership, or other entity that
128 owns or controls 50 percent or more of a recipient corporation.

129 (6) "Corporation" means any entity subject to the tax
130 levied by chapter 220, Florida Statutes, or by section 11 of the
131 Internal Revenue Code of 1986, as amended, except that the term
132 "qualified personal service corporation," as defined in section
133 448 of the Internal Revenue Code of 1986, as amended, is exempt
134 from this act.

135 (7) "Date of subsidy" means:

136 (a) The date that a granting body provides the initial
137 monetary value of a development subsidy to a recipient
138 corporation;

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139 (b) If the subsidy is for the installation of new
140 equipment, the date the recipient corporation puts the equipment
141 into service; or

142 (c) If the subsidy is for improvements to property, the
143 date the improvements are finished or the date the corporation
144 occupies the property, whichever is earlier.

145 (8) "Development subsidy" means any expenditure of public
146 funds with a value of at least \$25,000 for the purpose of
147 stimulating economic development within the state, including,
148 but not limited to, bonds, grants, loans, loan guarantees,
149 enterprise zones, empowerment zones, tax increment financing,
150 grants, fee waivers, land price subsidies, matching funds, tax
151 abatements, tax exemptions, and tax credits.

152 (9) "Doing business in this state" means owning or renting
153 real or tangible personal property physically located in this
154 state; having employees, agents, or representatives acting on
155 the corporation's behalf in this state; making sales of tangible
156 personal property to purchasers that take possession of such
157 property in this state; performing services for customers
158 located in this state; performing services in this state;
159 earning income from intangible property that has a business site
160 in this state; engaging in regular and systematic solicitation
161 of sales in this state; being a partner in a partnership engaged
162 in any of the preceding activities in this state; or being a
163 member of a limited liability company engaged in any of the
164 preceding activities in this state.

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165 (10) "Full-time job" means a job in which an individual is
166 employed by a recipient corporation for at least 35 hours per
167 week.

168 (11) "Granting body" means any agency, board, commission,
169 office, public benefit corporation, or public authority of the
170 state or a local government unit that provides a development
171 subsidy.

172 (12) "Local government unit" means an agency, board,
173 commission, office, public benefit corporation, or public
174 authority of a political subdivision of the state.

175 (13) "Part-time job" means a job in which an individual is
176 employed by a recipient corporation for less than 35 hours per
177 week.

178 (14) "Project site" means the site of a project for which
179 any development subsidy is provided.

180 (15) "Property taxing entity" means any entity that levies
181 taxes upon real or personal property.

182 (16) "Recipient contractor" means any person, association,
183 corporation, joint venture, partnership, or other entity that is
184 awarded a contract bid.

185 (17) "Recipient corporation" means any person,
186 association, corporation, joint venture, partnership, or other
187 entity that receives a development subsidy.

188 (18) "Small business" means a corporation whose corporate
189 parent, and all subsidiaries thereof, employed fewer than 20
190 full-time employees or had total gross receipts of less than \$1
191 million during the calendar year.

192 (19) "State" means an agency, board, commission, office,
 193 public benefit corporation, or public benefit authority of the
 194 state.

195 (20) "Subsidy value" means the face value of any and all
 196 development subsidies provided to a recipient corporation.

197 (21) "Tax expenditure" means a statutory provision,
 198 however denominated, that exempts certain persons, property,
 199 goods, or services, in whole or in part, from the operation of a
 200 tax.

201 (22) "Tax expenditure budget" means a compilation of
 202 information about the state's tax expenditures that includes
 203 data from the previous, current, and upcoming fiscal year.

204 (23) "Temporary job" means a job in which an individual is
 205 hired for a season or for a limited period of time.

206 Section 3. Applicant and recipient corporation reporting.-

207 (1) APPLICATION FOR ECONOMIC DEVELOPMENT SUBSIDIES.-

208 (a) Each granting body, together with the applicant for a
 209 development subsidy, shall complete an application for the
 210 subsidy on a form prepared by the Department of Economic
 211 Opportunity. The information required on the application shall
 212 include the following:

213 1. An application tracking number for the granting body
 214 and the project.

215 2. The name, street and mailing address, and phone number
 216 of the chief officer of the granting body.

217 3. The name, street and mailing address, and phone number
 218 of the chief officer of the applicant's corporate parent.

219 4. The name, street and mailing address, and phone number
 220 of the chief officer of the applicant.

221 5. The name, street and mailing address, and phone number
 222 of the granting body official responsible for monitoring the
 223 subsidy.

224 6. The street address of the project site.

225 7. The name, type, and description of the economic
 226 development subsidy.

227 8. The three-digit North American Industry Classification
 228 System number of the project site.

229 9. The total number of individuals employed by the
 230 applicant at the project site on the date of the application,
 231 broken down by full-time, part-time, and temporary positions.

232 10. The total number of individuals employed in the state
 233 by the applicant's corporate parent, and all subsidiaries
 234 thereof, as of December 31 of the prior fiscal year, broken down
 235 by full-time, part-time, and temporary positions.

236 11. The development subsidy or subsidies being applied for
 237 with the granting body, the value of such subsidy or subsidies,
 238 the name of any other granting body from which development
 239 subsidies are sought or obtained, and the aggregate value of all
 240 development subsidies requested or received from all sources.

241 12. The number of new jobs to be created by the applicant
 242 at the project site, broken down by full-time, part-time, and
 243 temporary positions.

244 13. The average hourly wage to be paid to all current and
 245 new employees at the project site, broken down by full-time,
 246 part-time, and temporary positions, and further broken down by

247 wage groups as follows: minimum wage to \$10.00 per hour, \$10.01
 248 to \$12.00 per hour, and \$12.01 or more per hour.

249 14. The type and amount of health care coverage to be
 250 provided by the applicant within 90 days after commencement of
 251 employment at the project site, including any costs to be borne
 252 by the employees.

253 15. The number of current employees provided health care
 254 benefits.

255 16. The number of current employees and anticipated new
 256 employees represented by collective bargaining.

257 17. For project sites located in a Metropolitan
 258 Statistical Area, as defined by the federal Office of Management
 259 and Budget, the average hourly wage paid to nonmanagerial
 260 employees in the state for the industries involved at the
 261 project, as established by the United States Bureau of Labor
 262 Statistics.

263 18. For project sites located outside of Metropolitan
 264 Statistical Areas, the average weekly wage paid to nonmanagerial
 265 employees in the county for industries involved at the project,
 266 as established by the United States Department of Commerce.

267 19. Whether the project will be Leadership in Energy and
 268 Environmental Design (LEED) certified and, if so, the project's
 269 LEED rating.

270 20. The start and end dates for the economic development
 271 subsidy.

272 21. The project site's proximity to mass transit, a
 273 regional rail line, or a major highway off-ramp.

274 22. A statement as to whether the development subsidy may
 275 reduce employment at any other site controlled by the applicant
 276 or its corporate parent, within or outside the state, resulting
 277 from automation, merger, acquisition, corporate restructuring,
 278 or another business activity.

279 23. A statement confirming the subsidy applicant's past
 280 legal compliance, including compliance with minimum wage,
 281 employee rights, and affirmative action laws.

282 24. A statement as to whether the project involves the
 283 relocation of work from another address and, if so, the number
 284 of jobs to be relocated and the address from which they are to
 285 be relocated.

286 25. The projected net tax revenue accruing to the local
 287 government unit as a result of the economic development subsidy.

288 26. Any material documents, such as insurance policies,
 289 rating agency reports, or other pertinent documents, that are
 290 necessary to ensure the subsidy is reasonably crafted and geared
 291 towards its public interest within a cofinanced or leveraged
 292 project.

293 27. The projected subsidy value.

294 28. A certification by the chief officer of the applicant
 295 as to the accuracy of the application.

296 (b) If the granting body approves the application, it
 297 shall send a copy to the department within 15 days after such
 298 approval. If the application is not approved, the granting body
 299 shall retain the application in its records.

300 (c) Before granting an economic development subsidy, each
 301 local government unit shall provide public notice and a hearing

302 regarding the economic development subsidy. A public hearing and
 303 notice are not required under this subsection if a hearing and
 304 notice regarding the economic development subsidy are otherwise
 305 required by law.

306 (2) APPLICATION FOR CONTRACT BID.—

307 (a) Each contracting agency, together with the applicant
 308 for a contract bid, shall complete an application for the
 309 contract on a form prepared by the Department of Economic
 310 Opportunity. The information required on the application shall
 311 include the following:

312 1. An application tracking number for the contracting
 313 agency and the contract.

314 2. The name, street and mailing address, and phone number
 315 of the chief officer of the contracting agency.

316 3. The name, street and mailing address, and phone number
 317 of the chief officer of the applicant's corporate parent.

318 4. The name, street and mailing address, and phone number
 319 of the chief officer of the applicant.

320 5. The name, street and mailing address, employer, and
 321 employment category or job description of each person that will
 322 provide consulting services under the contract, including
 323 subcontractors.

324 6. The name, street and mailing address, and phone number
 325 of the contracting agency official responsible for monitoring
 326 the contract.

327 7. The three-digit North American Industry Classification
 328 System number of the entity applying for a bid.

329 8. The type of service required by the contract.

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330 9. The total number of individuals employed by the
331 applicant on the date of the application, broken down by full-
332 time, part-time, and temporary positions.

333 10. The total number of individuals employed in the state
334 by the applicant's corporate parent, and all subsidiaries
335 thereof, as of December 31 of the previous fiscal year, broken
336 down by full-time, part-time, and temporary positions.

337 11. The bids being applied for with the contracting
338 agency, the value of the contract or contracts, the name of any
339 other contracting agencies from which bids are sought or
340 obtained, and the aggregate value of all bids requested or
341 received from all sources.

342 12. The number of contractors or subcontractors needed to
343 perform the required services, broken down by full-time, part-
344 time, and temporary positions.

345 13. The types of services the contractor, subcontractor,
346 and any other contract employees provide.

347 14. The average hourly wage to be paid to each contractor,
348 subcontractor, and contract employee, broken down by full-time,
349 part-time, and temporary positions, and further broken down by
350 wage groups as follows: minimum wage to \$10.00 per hour, \$10.01
351 to \$12.00 per hour, and \$12.01 or more per hour.

352 15. The number of hours each person, including each
353 subcontractor and contract employee, is expected to work
354 providing consulting services to the agency under the terms of
355 the contract.

356 16. The total compensation of each contractor and
357 subcontractor.

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358 17. The type and amount of health care coverage to be
359 provided by the applicant within 90 days after commencement of
360 the contract, including any costs that will be borne by the
361 employees.

362 18. The number of contractors or subcontractors associated
363 with the contract represented by collective bargaining.

364 19. For applicants based in a Metropolitan Statistical
365 Area, as defined by the federal Office of Management and Budget,
366 the average hourly wage paid to nonmanagerial employees in the
367 state for the industries involved at the project, as established
368 by the United States Bureau of Labor Statistics.

369 20. For applicants based outside of a Metropolitan
370 Statistical Area, the average weekly wage paid to nonmanagerial
371 employees in the county for industries involved at the project,
372 as established by the United States Department of Commerce.

373 21. The start and end dates for the contract.

374 22. A statement confirming the applicant's past legal
375 compliance, including compliance with minimum wage, employee
376 rights, and affirmative action laws.

377 23. The projected savings accruing to the contracting
378 agency.

379 24. The projected total cost of the contract.

380 25. A certification by the chief officer of the applicant
381 as to the accuracy of the application.

382 (b) If the contracting agency approves the bid, it shall
383 send a copy to the Department of Economic Opportunity within 15
384 days after the approval. If the application is not approved, the
385 granting body shall retain the application in its records.

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386 (c) Before approving a contract bid, each contracting
387 agency shall provide public notice and a hearing regarding the
388 contract bid. A public hearing and notice are not required under
389 this subsection if a hearing and notice regarding the contract
390 bid are otherwise required by law.

391 Section 4. Reports on subsidies and contracts.-

392 (1) ESTABLISHMENT OF MEASURABLE STANDARDS.-

393 (a) Before entering into a public contract, a contracting
394 agency shall establish measurable standards for assessing the
395 quality of the goods or services, personal services, personal
396 property, public improvements or public works, alterations,
397 repairs, or maintenance that a contractor will provide or
398 perform under the contract. The contracting agency may develop
399 the quality standards applicable to the public contract in
400 cooperation with or as a result of negotiations with the
401 contractor to which the contracting agency has awarded the
402 public contract. Unless the contracting agency for good cause
403 specifies otherwise, the quality standards may not be less than
404 the highest standards prevalent in the industry or business most
405 closely involved in providing the appropriate goods or services,
406 personal services, personal property, public improvements,
407 public works, alterations, repairs, or maintenance.

408 (b) If a contracting agency performs a cost analysis
409 before a procurement for goods or services with an estimated
410 contract price that exceeds \$25,000, that analysis will be a
411 public record open to personal inspection and copying at
412 reasonable times. The contracting agency shall provide a
413 comparison of the findings of the cost analysis with the actual

414 cost of the contract in its annual and biennial report as
 415 described in subsection (3).

416 (2) REPORT ON ECONOMIC DEVELOPMENT SUBSIDIES.-

417 (a) Annual reports.-

418 1. Each granting body, together with the recipient of the
 419 subsidy, shall complete a report for the subsidy on a form
 420 prepared by the Department of Economic Opportunity no later than
 421 30 days after the beginning of the fiscal year. The report shall
 422 include the following information:

423 a. The application tracking number.

424 b. The name, street and mailing addresses, phone number,
 425 and chief officer of the granting body.

426 c. The name, street and mailing addresses, phone number,
 427 and chief officer of the recipient corporation.

428 d. The name, street and mailing address, and phone number
 429 of the granting body official responsible for monitoring the
 430 subsidy.

431 e. A summary of the number of jobs required, created, and
 432 lost, broken down by full-time, part-time, and temporary
 433 positions.

434 f. The name, type, and description of the economic
 435 development subsidy.

436 g. The average hourly wage to be paid to all current and
 437 new employees at the project site, broken down by full-time,
 438 part-time, and temporary positions, and further broken down by
 439 wage groups as follows: minimum wage to \$10.00 per hour, \$10.01
 440 to \$12.00 per hour, and \$12.01 or more per hour.

441 h. The location of employees by zip code.

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442 i. The type and amount of health care coverage provided to
443 the employees at the project site, including any costs borne by
444 the employees.

445 j. The number of current employees represented by
446 collective bargaining.

447 k. Whether the project will be LEED-certified and, if so,
448 the project's LEED rating.

449 l. The start and end dates and schedule for the economic
450 development subsidy.

451 m. The project site's proximity to mass transit, a
452 regional rail line, or a major highway off-ramp.

453 n. The comparison of the total employment in the state by
454 the recipient's corporate parent on the date of the application
455 and the date of the report, broken down by full-time, part-time,
456 and temporary positions.

457 o. A statement as to whether the use of the development
458 subsidy during the previous fiscal year has reduced employment
459 at any other site controlled by the recipient corporation or its
460 corporate parent, within or outside the state, as a result of
461 automation, merger, acquisition, corporate restructuring, or
462 another business activity.

463 p. A statement as to whether any affordable housing has
464 been displaced by the project.

465 q. A statement as to whether the project has involved the
466 relocation of work from another address and, if so, the number
467 of jobs relocated and the address from which they were
468 relocated.

469 r. All sources of public and private financing in relation
470 to the project.

471 s. Any cost analysis or feasibility study that may have
472 been conducted by the state or granting body before the subsidy
473 was awarded.

474 t. Any material documents, such as insurance policies,
475 rating agency reports, or other pertinent documents, that are
476 necessary to ensure the subsidy is reasonably crafted and geared
477 towards its public interest within a cofinanced or leveraged
478 project.

479 u. The net tax revenue accruing to the local government
480 unit as a result of the economic development subsidy.

481 v. The total subsidy value.

482 w. The recorded action, if any, that the granting body has
483 taken against potential noncompliance.

484 x. A signed certification by the chief officer of the
485 recipient corporation as to the accuracy of the progress report.

486 2. The granting body shall compile the data specified in
487 subparagraph 1. and file an annual progress report with the
488 Department of Economic Opportunity for each project for which a
489 development subsidy has been granted no later than 60 days after
490 the start of the fiscal year.

491 3. On all subsequent annual progress reports, the granting
492 body shall indicate whether the recipient corporation is still
493 in compliance with its job creation and wage and benefit goals,
494 and whether the corporate parent is still in compliance with its
495 state employment requirement.

496 4. Granting bodies and recipient corporations shall file
497 annual progress reports for the duration of the subsidy.

498 (b) Two-year report.—

499 1. No later than 15 days after the second anniversary of
500 the date of the subsidy, the granting body shall file with the
501 Department of Economic Opportunity a 2-year progress report
502 including the same information as required in paragraph (a). The
503 recipient corporation shall certify as to the accuracy of such
504 report.

505 2. The granting body shall state in the 2-year report
506 whether the recipient corporation has achieved its job creation
507 and wage and benefit goals, and whether the corporate parent has
508 maintained 90 percent of its employment in the state.

509 (c) Publication of data.—The department shall compile and
510 publish all data from the progress reports in both written and
511 electronic form, including publishing the data on the
512 department's website. The website shall provide an easily
513 accessible, searchable database of the specified data.

514 (d) Final report by agency.—The local government unit
515 shall provide a final report at the conclusion of each economic
516 development subsidy that shall contain the information described
517 in paragraph (a) in written form available to the public and
518 available through its website. The local government unit's
519 website shall provide an easily accessible, searchable database
520 of the specified data.

521 (e) Access and availability.—The granting body and the
522 department shall have access at all reasonable times to the

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523 project site and the records of the recipient corporation in
524 order to monitor the project and to prepare progress reports.

525 (f) Fines.—A recipient corporation that fails to provide
526 the granting body with the information or access required under
527 paragraphs (a) and (b) is subject to a fine of not less than
528 \$500 per day if it has not provided the granting body with the
529 necessary information 30 days after the start of each fiscal
530 year.

531 (3) REPORT ON CONTRACTS.—

532 (a) Annual reports.—

533 1. Each contracting agency, together with the contract
534 recipient, shall complete a report for the contract on a form
535 prepared by the Department of Economic Opportunity no later than
536 30 days after the start of the fiscal year. The report shall
537 include the following information:

538 a. An application tracking number for the contracting
539 agency for the service.

540 b. The name, street and mailing address, and phone number
541 of the chief officer of the contracting agency.

542 c. The name, street and mailing address, and phone number
543 of the chief officer of the applicant's corporate parent.

544 d. The name, street and mailing address, and phone number
545 of the chief officer of the applicant.

546 e. The name, street and mailing address, employer, and
547 employment category or job description of each person that
548 provided consulting services under the contract, including
549 subcontractors.

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550 f. The name, street and mailing address, and phone number
551 of the contracting agency official responsible for monitoring
552 the contract.

553 g. The three-digit North American Industry Classification
554 System number of the entity applying for a bid.

555 h. The procedure the agency used to solicit and award the
556 contract. The report shall note whether the procedure involved
557 competitive bidding or competitive proposals and summarize the
558 extent to which the procedure sought to and succeeded in
559 soliciting bids or proposals from minorities, women, or emerging
560 small businesses.

561 i. The type of service required by the contract.

562 j. The total number of individuals employed by the
563 applicant on the date of the application and the date of the
564 report, broken down by full-time, part-time, and temporary
565 positions.

566 k. The total number of individuals employed in the state
567 by the applicant's corporate parent, and all subsidiaries
568 thereof, as of December 31 of the previous fiscal year, broken
569 down by full-time, part-time, and temporary positions.

570 l. The bids applied for with the contracting agency, the
571 value of such contract or contracts, the name of any other
572 contracting agencies from which bids were sought or obtained,
573 and the aggregate value of all bids requested or received from
574 all sources.

575 m. The number of contractors, subcontractors, and contract
576 employees who performed required services, broken down by full-
577 time, part-time, and temporary positions.

578 n. The types of services the contractor, subcontractor,
579 and any contract employees provided.

580 o. The average hourly wage paid to each contractor,
581 subcontractor, and contract employee, broken down by full-time,
582 part-time, and temporary positions, and further broken down by
583 wage groups as follows: minimum wage to \$10.00 per hour, \$10.01
584 to \$12.00 per hour, and \$12.01 or more per hour.

585 p. The number of hours each person, including each
586 subcontractor, worked in providing consulting services to the
587 agency under the terms of the contract.

588 q. The total compensation of each contractor,
589 subcontractor, and contract employee.

590 r. A summary of each amendment to the contract that
591 changed the contract term, the contract price or estimated total
592 value, the nature of the consulting services, or the identity of
593 a person providing consulting services under the contract,
594 including the identity of subcontractors.

595 s. The type and amount of health care coverage provided by
596 the applicant within 90 days after commencement of the contract,
597 including any costs to be borne by the employees.

598 t. The number of contractors or subcontractors associated
599 with the contract represented by collective bargaining.

600 u. For applicants based in a Metropolitan Statistical
601 Area, as defined by the federal Office of Management and Budget,
602 the average hourly wage paid to nonmanagerial employees in the
603 state for the industries involved at the project, as established
604 by the United States Bureau of Labor Statistics.

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605 v. For applicants based outside of Metropolitan
606 Statistical Areas, the average weekly wage paid to nonmanagerial
607 employees in the county for industries involved at the project,
608 as established by the United States Department of Commerce.

609 w. The start and end dates for the contract.

610 x. A statement confirming the applicant's past legal
611 compliance, including compliance with minimum wage, employee
612 rights, and affirmative action laws.

613 y. The savings accrued to the contracting agency.

614 z. The total cost of the contract.

615 aa. A cost analysis, if previously conducted by a state or
616 contracting agency.

617 bb. A comparison of the actual cost with the findings of a
618 cost analysis, if previously conducted by the contracting
619 agency.

620 cc. A copy of the actual contract and any revisions or
621 amendments.

622 dd. A certification by the chief officer of the applicant
623 as to the accuracy of the application.

624 2. Each contracting agency shall compile the data
625 specified in subparagraph 1. and file an annual progress report
626 with the department for each contract no later than 60 days
627 after the start of the fiscal year.

628 3. On all subsequent annual progress reports, the
629 contracting agency shall indicate whether the recipient
630 corporation is still in compliance with its savings, wage, and
631 benefit goals, and whether the recipient corporation has met the
632 measurable standards set by the department.

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633 4. The contracting agency and recipient contractors shall
634 file annual progress reports for the duration of the contract.

635 (b) Two-year report.—

636 1. No later than 15 days after the second anniversary of
637 the date of the contract, the contracting agency shall file with
638 the Department of Economic Opportunity a 2-year progress report
639 including the same information as required under paragraph (a).
640 The recipient contractor shall certify as to the accuracy of the
641 report.

642 2. The contracting agency shall state in the 2-year
643 progress report whether the recipient contractor has achieved
644 its savings, wage, and benefit goals, and whether it has met the
645 measurable standards set by the department.

646 (c) Publication of data.—The department shall compile and
647 publish all data from the progress reports in both written and
648 electronic form, including publishing the data on the
649 department's website. The website shall provide an easily
650 accessible, searchable database of the specified data.

651 (d) Final report by agency.—The contracting agency shall
652 provide a final report at the conclusion of each economic
653 development subsidy that shall contain the information described
654 in paragraph (a) in written form available to the public and
655 published on its website. The local government unit's website
656 shall provide an easily accessible, searchable database of the
657 specified data.

658 (e) Access and availability.—The contracting agency and
659 the department shall have access at all reasonable times to the

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660 project site and the records of the recipient corporation in
661 order to monitor the project and to prepare progress reports.

662 (f) Fines.—A recipient contractor that fails to provide
663 the contracting agency with the information or access required
664 under paragraphs (a) and (b) is subject to a fine of not less
665 than \$500 per day, if it has not provided the agency with the
666 necessary information 30 days after the beginning of each fiscal
667 year.

668 (4) CONTRACT AUDITS.—

669 (a) The Auditor General has authority to audit a
670 contractor's performance under a public contract into which a
671 state contracting agency enters. The audit shall use generally
672 accepted accounting principles and may:

673 1. Examine the contractor's books, papers, correspondence,
674 and other records related to the public contract.

675 2. Assess whether the contractor has met the standards set
676 forth in the public contract under paragraph (1)(a).

677 3. Determine whether the contractor has met commercial
678 standards of good faith and fair dealing in the contractor's
679 course of dealing with the contracting agency.

680 4. Examine other issues that the department deems germane
681 to assessing the contractor's performance under the public
682 contract.

683 (b) A state contracting agency may request the Auditor
684 General to audit a contractor's performance under a public
685 contract for any reason and at any point during which the public
686 contract is in effect or for a period of 6 years after the date
687 on which the public contract terminates.

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688 (c) The terms of a public contract shall require a
689 contractor to keep books, papers, and other records and to
690 document the contractor's performance under the terms of the
691 public contract, with particular reference to the contractor's
692 compliance with the standards set forth in the public contract,
693 in as much detail as will enable the Auditor General to conduct
694 an audit under this section. The contractor shall keep the
695 records described in this paragraph for a minimum of 6 years
696 after the date on which the public contract terminates.

697 (d) A local contracting agency shall designate a person
698 who will have the authority to audit contractor performance
699 under a public contract into which the local contracting agency
700 enters. The person the local contracting agency authorizes to
701 conduct the audit shall do so in accordance with the standards
702 prescribed in this section and shall follow as closely as
703 practicable the procedures employed by the Auditor General.

704 (e) The contracting agency and the contractor shall
705 cooperate with the auditing agency in all respects and shall
706 permit full access to all information that the auditing agency
707 deems necessary for a true and complete review.

708 (5) PRIVATE ENFORCEMENT ACTION.—If a granting body or
709 contracting agency fails to enforce any provision of this
710 section, any individual who paid personal income taxes to the
711 state in the calendar year prior to the year in dispute, or any
712 organization representing such taxpayers, shall be entitled to
713 bring a civil action in state court to compel enforcement under
714 this section. The court shall award reasonable attorney fees and
715 costs to such prevailing taxpayer or organization.

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716 Section 5. Unified reporting.—

717 (1) UNIFIED TAX EXPENDITURE BUDGET.—

718 (a) No later than 60 days after the end of the fiscal
719 year, the Department of Economic Opportunity shall compile a tax
720 expenditure budget for the previous fiscal year and present the
721 tax expenditure budget, including an analysis of tax
722 expenditures, to the Governor and the Legislature. The tax
723 expenditure budget shall report on tax expenditures with revenue
724 impacts equal to or greater than \$5,000 in the aggregate for a
725 specific tax expenditure, and shall include:

726 1. The amount of uncollected state tax revenues resulting
727 from every tax credit, abatement, exemption, and reduction
728 provided by the state or a local governmental unit, including,
729 but not limited to, gross receipts, income, sales, use, raw
730 materials, excise, property, utility, and inventory taxes.

731 2. The name of each corporate taxpayer that claimed any
732 tax credit, abatement, exemption, or reduction under subsection
733 (1) of any value equal to or greater than \$5,000, together with
734 the dollar amount received by each such corporation.

735 3. A projection of the costs of tax expenditures for all
736 significant general revenue fund sources.

737 4. Identification of each tax expenditure and its
738 statutory basis, purpose, year of enactment, and date of repeal,
739 if any.

740 5. Identification, to the extent possible, of the
741 beneficiaries of each tax expenditure, including the number of
742 businesses that used the tax expenditure and the number of

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743 businesses that potentially qualified for but failed to use the
744 tax expenditure.

745 6. Identification of any unintended consequences of the
746 tax expenditure that have come to the attention of the
747 department.

748 7. An estimate of total state revenue distributed for tax
749 expenditures in the current fiscal year.

750 8. An estimate of total state revenue to be distributed
751 for tax expenditures in the upcoming fiscal year.

752 9. The total cost to the state of tax expenditures
753 resulting from the development subsidies, the costs for each
754 category of tax expenditure, and the amounts of tax expenditures
755 by geographical area.

756 10. The cost to the state of all appropriated expenditures
757 for development subsidies, including line-item budgets for every
758 state-funded entity concerned with economic development.

759 (b) Any tax credit, abatement, exemption, or reduction
760 received by a corporation of less than \$5,000 each shall not be
761 itemized. The department shall report an aggregate dollar amount
762 of such expenditures and the number of companies so aggregated
763 for each tax expenditure.

764 (c) The department may request from a state agency or an
765 official from a local governmental unit information necessary to
766 complete the tax expenditure budget required by this section.
767 The agency or official shall comply with a request made pursuant
768 to this section by the department.

769 (d) Before the conclusion of any tax expenditure under
770 paragraph (a) of any value equal to or greater than \$5,000, the

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771 department shall submit a report to the Governor and the
772 Legislature to assess whether to reappraise the particular tax
773 credit, abatement, exemption, or reduction, and the report shall
774 include:

775 1. A statement of the purpose served by the tax
776 expenditure.

777 2. An appraisal of the tax expenditure's effectiveness in
778 serving its purpose.

779 3. An evaluation of whether the tax expenditure serves a
780 public need.

781 4. An evaluation of whether other statutes have enhanced
782 or impeded the tax expenditure's effectiveness in serving its
783 purpose.

784 5. An appraisal of whether the tax expenditure promotes
785 economic growth and development.

786 6. An estimate of the amount of revenue lost each fiscal
787 year because of the tax expenditure.

788 7. A recommendation as to whether the tax expenditure
789 should be allowed to expire or be renewed.

790 8. Any other relevant information.

791 (e) The department shall compile and publish all data from
792 the report in both written and electronic form, including
793 publishing the data on the department's website. The website
794 shall provide an easily accessible, searchable database of the
795 specified data.

796 (2) UNIFIED REPORTING OF CONTRACTS.-

797 (a) For the aggregated total of public contracts, each
798 contracting agency must provide a comprehensive report to the

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799 department no later than 3 months after the end of the fiscal
800 year detailing:

801 1. The total number of contracts that the agency awarded
802 in the previous fiscal year, along with the total expenditures
803 for all such contracts up until the date on which the agency
804 produced the report, including, but not limited to, contracts
805 for:

806 a. Consulting.

807 b. Construction.

808 c. Equipment.

809 d. Grants.

810 e. Leases.

811 f. Miscellaneous services.

812 g. Printing.

813 h. Repayment agreements.

814 i. Intergovernmental agreements.

815 j. Goods.

816 2. The total workforce of the agency.

817 3. The total number of persons, including subcontractors,
818 that provided consulting services to the agency.

819 4. A calculation of contractors as a percentage of the
820 total agency workforce.

821 5. The total number of minorities, women, or emerging
822 small businesses that provided consulting services to the
823 agency.

824 6. The total number of bids or proposals the agency
825 received in connection with each contract.

826 7. A description of the types of contracts the agency
827 awarded.

828 8. The frequency of contracts awarded during the previous
829 fiscal year arranged by the number of bids or proposals and the
830 source selection method.

831 9. The number of contracts disapproved by the agency
832 during the previous fiscal year and the reasons for disapproval
833 arranged by agency and source selection method, and the number
834 and outcome of bid protests.

835 10. The total compensation the agency paid to each person,
836 including subcontractors, that provided consulting services to
837 the agency under all contracts the agency awarded to the person.

838 11. The average wages paid.

839 12. The total savings the agency accrued from using
840 contractors.

841 13. The estimated number and costs of contracts to be
842 awarded in the following fiscal year.

843 14. The total cost of all contracts awarded.

844 15. A comparison of the number of contracts the agency
845 solicited and awarded independently to the number of contracts
846 the agency solicited and awarded in connection with a
847 cooperative procurement process. The comparison must also show
848 the sum of the contract prices or estimated dollar values of the
849 contracts solicited and awarded independently, together with the
850 sum of the agency's expenditures for the contracts up until the
851 date on which the agency produced the report, compared to the
852 corresponding sums for contracts solicited and awarded in
853 connection with cooperative procurements.

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854 (b) The department shall compile the data in paragraph (a)
855 and provide to the Governor and the Legislature a comprehensive
856 presentation of the data, as well as the costs of all contracts
857 to the state during the prior fiscal year, an estimate of the
858 anticipated costs of contracts for the then-current fiscal year,
859 and an estimate of the costs of all contracts for the fiscal
860 year of the requested budget.

861 (c) The department shall compile and publish all data from
862 the report in both written and electronic form, including
863 publishing the data on the department's website. The website
864 shall provide an easily accessible, searchable database of the
865 specified data.

866 (3) UNIFIED REPORTING OF PROPERTY TAX REDUCTIONS AND
867 ABATEMENTS.—

868 (a) Each property taxing entity shall annually submit a
869 report to the Department of Economic Opportunity regarding any
870 real property in the entity's jurisdiction that has received a
871 property tax abatement or reduction during the fiscal year. The
872 report shall contain information, including, but not limited to:

873 1. The name of the property owner.

874 2. The address of the property; the start and end dates of
875 the property tax reduction or abatement.

876 3. The schedule of the tax reduction.

877 4. Each tax abatement, reduction, and exemption for the
878 property.

879 5. The amount of property tax revenue not paid to the
880 taxing entity as a result of the reduction or abatement.

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881 (b) Each property taxing entity shall also submit a report
882 to the department setting forth the total property tax revenue
883 not paid to such entity during the fiscal year as a result of
884 all property tax reductions and abatements in the entity's
885 jurisdiction.

886 (c) The reports required under paragraphs (a) and (b)
887 shall be prepared on two forms developed by the department and
888 shall be submitted to the department by the property taxing
889 entity no later than 3 months after the end of the fiscal year.

890 (d) The department shall annually compile and publish all
891 of the data contained in the reports required under paragraphs
892 (a) and (b) in both written and electronic form, including
893 publishing the data on the department's website. The website
894 shall provide an easily accessible, searchable database of the
895 specified data.

896 (e) If a property taxing entity fails to submit its
897 reports to the department within the prescribed time, the
898 department shall notify the Department of Revenue, and the
899 Department of Revenue shall withhold further tax reductions or
900 abatements to the delinquent entity until the entity files its
901 reports with the department.

902 (4) PRIVATE ENFORCEMENT ACTION.—If a granting body or
903 contracting agency fails to enforce any provision of this
904 section, any individual who paid personal income taxes to the
905 state in the calendar year prior to the year in dispute, or any
906 organization representing such taxpayers, shall be entitled to
907 bring a civil action in state court to compel enforcement under

908 this section. The court shall award reasonable attorney fees and
 909 costs to such prevailing taxpayer or organization.

910 (5) PREEMPTION.—This act may not be construed to require
 911 or authorize any recipient corporation to reduce wages or
 912 benefits established under any collective bargaining agreement
 913 or state or federal prevailing wage law.

914 Section 6. Corporate tax disclosure.—

915 (1) TAX DISCLOSURE STATEMENT REQUIRED.—If doing business
 916 in this state, the following corporations shall file with the
 917 Department of Revenue the statement described in subsection (2):

918 (a) All publicly traded corporations, including
 919 corporations traded on foreign stock exchanges.

920 (b) All corporations 50 percent or more of the voting
 921 stock of which is owned, directly or indirectly, by a publicly
 922 traded corporation.

923 (2) CONTENT OF TAX DISCLOSURE STATEMENT.—

924 (a) The statement required by subsection (1) shall be
 925 filed annually in an electronic format specified by the
 926 department within 30 days after the filing of the tax return
 927 required by chapter 220, Florida Statutes, or, in the case of a
 928 corporation not required to file such a tax return, within 90
 929 days after the filing of such corporation's federal tax return,
 930 including such corporation's inclusion in a federal consolidated
 931 return. The statement shall contain the following information:

932 1. The name of the corporation and the street address of
 933 its principal executive office.

934 2. If different from the information required in
 935 subparagraph 1., the name of any corporation that owns, directly

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936 or indirectly, 50 percent or more of the voting stock of the
937 corporation and the street address of the former corporation's
938 principal executive office.

939 3. The corporation's three-digit North American Industry
940 Classification System code number.

941 4. A unique code number, assigned by the Department of
942 Revenue, to identify the corporation, which code number shall
943 remain constant from year to year.

944 (b) The following information shall be reported on or used
945 in preparing a corporation's tax return filed under chapter 220,
946 Florida Statutes, or, for a corporation included in a state
947 consolidated tax return, the following information shall be
948 reported on or used in preparing the state consolidated tax
949 return filed under chapter 220, Florida Statutes, or, for a
950 corporation not required to file a tax return under chapter 220,
951 Florida Statutes, the following information, which would be
952 required to be reported on or used in preparing the tax return
953 if the corporation was required to file such a return:

954 1. Federal taxable income.

955 2. Total cost of goods sold and claimed as a deduction
956 from gross income.

957 3. Taxable income prior to net operating loss deductions
958 or apportionment.

959 4. Property, payroll, and sales apportionment factors.

960 5. Calculated overall apportionment factor in the state.

961 6. Total business income apportioned to the state.

962 7. Net operating loss deduction, if any.

963 8. Total nonbusiness income and the amount of nonbusiness
 964 income allocated to the state.

965 9. Florida net income.

966 10. Total tax before credits.

967 11. Tax credits claimed with each credit individually
 968 enumerated.

969 12. Alternative minimum tax, if applicable.

970 13. Tax due.

971 14. Tax paid.

972 15. Amount of tax due paid under protest, if applicable.

973 (c) The following additional information shall also be
 974 reported on or used in preparing the corporation's tax return:

975 1. The total deductions for management services fees,
 976 rent, royalty, interest, license fees, and similar payments for
 977 the use of intangible property paid to any affiliated entity
 978 that is not included in the state consolidated income tax
 979 return, if any, that includes the corporation, and the names and
 980 principal executive office addresses of the entities to which
 981 the payments were made.

982 2. The sales factor that would be calculated for this
 983 state if the corporation or consolidated group was required to
 984 treat as sales in this state sales of tangible personal property
 985 to the Federal Government and sales of tangible personal
 986 property shipped or delivered to a customer in a state in which
 987 the selling corporation is not subject to a state corporate
 988 income tax or state franchise tax measured by net income or
 989 could not be subjected to such a tax if the state was to impose
 990 it.

991 3. A description of the source of any nonbusiness income
 992 reported on the return and the identification of the state to
 993 which such income was reported.

994 4. A listing of all corporations included in the
 995 consolidated tax return that includes the corporation, if such a
 996 return is filed, and their state identification numbers assigned
 997 under the provisions of this section.

998 5. The full-time equivalent employment of the corporation
 999 in the state on the last day of the tax year for which the
 1000 return is being filed and for the previous 3 tax years.

1001 6. In the case of a publicly traded corporation
 1002 incorporated in the United States or an affiliate of such a
 1003 publicly traded corporation, the profits before the tax reported
 1004 on the Securities and Exchange Commission Form 10-K for the
 1005 corporation or the consolidated group of which the corporation
 1006 is a member for the corporate fiscal year that contains the last
 1007 day of the tax year for which the return is filed.

1008 7. The property and payroll factors for this state
 1009 calculated as required by the Uniform Division of Income for Tax
 1010 Purposes Act as embodied in Article IV of the Multistate Tax
 1011 Compact and Multistate Tax Commission regulations applying
 1012 thereto.

1013 8. The accumulated tax credit carryovers, enumerated by
 1014 credit.

1015 (3) ALTERNATIVE STATEMENT OPTION FOR CORPORATIONS NOT
 1016 REQUIRED TO FILE TAX RETURN.—In lieu of the statement described
 1017 in subsection (2), a corporation doing business in this state
 1018 but not required to file a tax return under chapter 220, Florida

1019 Statutes, may elect to file a statement with the Department of
 1020 Revenue containing the following information:

1021 (a) The information specified in paragraph (2) (a).

1022 (b) An explanation of why the corporation is not required
 1023 to file a corporate income tax return in this state, which
 1024 explanation may take the form of checking one or more possible
 1025 explanations on a document drafted by the department.

1026 (c) Identification of which of the following ranges the
 1027 corporation's total gross receipts from sales to purchasers in
 1028 this state fell into in the tax year for which the statement is
 1029 filed:

1030 1. Less than \$10 million.

1031 2. \$10 million to \$50 million, inclusive.

1032 3. More than \$50 million but less than \$100 million.

1033 4. \$100 million to \$250 million, inclusive.

1034 5. More than \$250 million.

1035 (4) SUPPLEMENTAL INFORMATION PERMITTED.—Any corporation
 1036 submitting a statement required by this section shall be
 1037 permitted to submit supplemental information that, in its sole
 1038 judgment, could facilitate proper interpretation of the
 1039 information included in the statement. The mechanisms of public
 1040 dissemination of the information contained in the statements
 1041 described in subsection (6) shall ensure that any such
 1042 supplemental information be publicly available and that
 1043 notification of its availability shall be made to any person
 1044 seeking information contained in a statement.

1045 (5) AMENDED TAX DISCLOSURE STATEMENTS REQUIRED.—If a
 1046 corporation files an amended tax return, the corporation shall

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1047 file a revised statement under this section within 60 calendar
1048 days after the amended return is filed. If a corporation's tax
1049 liability for a tax year is changed as the result of an
1050 uncontested audit adjustment or final determination of
1051 liability, the corporation shall file a revised statement under
1052 this section within 60 calendar days after the final
1053 determination of liability.

1054 (6) PUBLIC ACCESS TO TAX DISCLOSURE STATEMENTS.—The
1055 statements required under this section are public record. The
1056 Department of Revenue shall make all information contained in
1057 the statements required under this section for all filing
1058 corporations available to the public on an ongoing basis in the
1059 form of a searchable database accessible through the Internet.
1060 The Department of Revenue shall make available and set charges
1061 that cover the cost to the state of providing copies on
1062 appropriate computer-readable media of the entire database for
1063 statements filed during each calendar year as well as hard
1064 copies of an individual annual statement for a specific
1065 corporation.

1066 (7) ENFORCING COMPLIANCE.—The accuracy of the statements
1067 required under this section shall be attested to in writing by
1068 the chief operating officer of the corporation and shall be
1069 subject to audit by the Department of Revenue in the course of
1070 and under the normal procedures applicable to corporate income
1071 tax return audits. The Department of Revenue shall develop and
1072 implement an oversight and penalty system applicable to both the
1073 chief operating officer of the corporation and the corporation
1074 itself to ensure that corporations doing business in this state,

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1075 including those not required to file a return under chapter 220,
1076 Florida Statutes, provide the required attestation and
1077 disclosure statements, respectively, in a timely and accurate
1078 manner. The Department of Revenue shall publish the name and
1079 penalty imposed upon any corporation subject to a penalty for
1080 failing to file the required statement or filing an inaccurate
1081 statement.

1082 Section 7. Rulemaking authority.—The Department of
1083 Economic Opportunity and the Department of Revenue shall adopt
1084 rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes,
1085 to implement the provisions of this act conferring duties upon
1086 them.

1087 Section 8. This act shall take effect July 1, 2012.