

1 A bill to be entitled  
2 An act relating to enterprise zones; creating s.  
3 290.201, F.S.; providing a short title; creating s.  
4 290.203, F.S.; providing definitions for the Urban Job  
5 Creation Investment Act; creating s. 290.205, F.S.;  
6 creating the Florida Urban Investment Job Creation  
7 Authority; providing for the authority's membership  
8 and duties; requiring the authority to submit annual  
9 reports and a fiscal impact study of each enterprise  
10 program zone to specified officers and agencies;  
11 creating s. 290.207, F.S.; creating a zone development  
12 corporation for each enterprise program zone;  
13 providing for the corporations' membership, officers,  
14 and duties; requiring that certificates of appointment  
15 be filed with the respective county or municipal  
16 clerk; authorizing reimbursement of travel expenses  
17 for board members; providing for employees and legal  
18 services of zone development corporations; requiring  
19 zone development corporations to submit annual reports  
20 to specified officers and agencies; creating s.  
21 290.209, F.S.; providing for the designation of  
22 enterprise program zones; authorizing the authority to  
23 periodically amend the boundary of an enterprise  
24 program zone; requiring the authority to consider  
25 certain factors when designating or amending zone  
26 boundaries; creating s. 290.211, F.S.; specifying the  
27 qualifications for businesses to receive state  
28 enterprise program zone incentives; creating s.

HB 1413

2012

29 | 290.213, F.S.; establishing enterprise program zone  
30 | assistance funds; authorizing certain state incentives  
31 | for the projects of qualified businesses; providing  
32 | for project applications and the approval of projects;  
33 | authorizing zone development corporations to use loan  
34 | repayments and collected interest for specified  
35 | purposes; providing that unexpended appropriations are  
36 | to be retained in the Economic Development Trust Fund  
37 | at the end of the fiscal year; authorizing  
38 | administrative fees for zone development corporations;  
39 | creating s. 290.215, F.S.; authorizing certain tax  
40 | credits, exemptions from unemployment contributions,  
41 | and other state incentives for qualified businesses;  
42 | limiting the amount of available incentives in any  
43 | fiscal year; providing for the carryforward of unused  
44 | incentives; providing for the allocation of certain  
45 | appropriations among zone development corporations;  
46 | creating s. 290.217, F.S.; requiring the Office of  
47 | Program Policy Analysis and Government Accountability  
48 | to submit a report evaluating the Urban Job Creation  
49 | and Investment Act to the Governor and Legislature;  
50 | creating s. 290.219, F.S.; providing for expiration of  
51 | the Urban Job Creation Investment Act; abolishing  
52 | designated enterprise program zones; creating ss.  
53 | 212.0965 and 220.1815, F.S.; authorizing certain tax  
54 | credits against the sales tax and corporate income tax  
55 | for qualified businesses located in enterprise program  
56 | zones; providing for application and certification of

57 | tax credits; providing for carryforward of unused  
 58 | corporate income tax credits; providing for expiration  
 59 | of tax credits; amending s. 220.02, F.S.; revising  
 60 | legislative intent for the order of applying corporate  
 61 | income tax credits; amending s. 443.1217, F.S.;  
 62 | exempting wages paid by qualified businesses to  
 63 | certain employees from unemployment contributions;  
 64 | amending s. 290.016, F.S.; revising the effective date  
 65 | of the repeal of the Florida Enterprise Zone Act;  
 66 | reenacting ss. 166.231(8)(c), 193.077(4),  
 67 | 193.085(5)(b), 195.073(4)(b), 195.099(1)(b),  
 68 | 196.012(19), 205.022(4), 205.054(6), 212.02(6),  
 69 | 212.08(5)(g), 212.096(12), 220.02(6)(c) and (7)(c),  
 70 | 220.03(1), 220.13(1)(a), 220.181(9), and 220.182(14),  
 71 | F.S., relating to an exemption from the public service  
 72 | tax, certain duties of property appraisers and the  
 73 | Department of Revenue with respect to property  
 74 | acquired for a new business or a business expansion or  
 75 | restoration, definition of the term "enterprise zone"  
 76 | for purposes of property tax exemptions for  
 77 | homesteads, local business taxes, and the sales and  
 78 | use tax, exemptions from local business taxes and the  
 79 | sales and use tax, and legislative intent,  
 80 | definitions, and tax credits for the corporate income  
 81 | tax, to incorporate the amendment to s. 290.016, F.S.,  
 82 | in references thereto; providing an effective date.

83 |

84 | Be It Enacted by the Legislature of the State of Florida:

HB 1413

2012

85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112

Section 1. Section 290.201, Florida Statutes, is created to read:

290.201 Short title.—Sections 290.201-290.219 may be cited as the "Urban Job Creation Investment Act."

Section 2. Section 290.203, Florida Statutes, is created to read:

290.203 Definitions.—As used in ss. 290.201-290.219, the term:

(1) "Authority" means the Florida Urban Investment Job Creation Authority created under s. 290.205.

(2) "Authorized local economic development agency" means a public or private entity, including an economic development agency as defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of the county or municipality.

(3) "Business" has the same meaning as provided in s. 212.02.

(4) "Emergency" means occurrence of widespread or severe damage, injury, or loss of life or property proclaimed under s. 14.022 or declared under s. 252.36.

(5) "Enterprise program zone" means an urban revitalization zone designated under s. 290.209 which is located in a legacy enterprise zone or federally designated empowerment zone.

(6) "Enterprise program zone assistance fund" means a program that provides loans, loan guarantees, loan-loss reserves, or investments for projects of qualified businesses as

HB 1413

2012

113 provided in s. 290.213.

114 (7) "Expansion of an existing business" means the  
115 expansion of an existing business located in an enterprise  
116 program zone by or through additions to real and personal  
117 property, resulting in a net increase in employment of at least  
118 10 percent at such business.

119 (8) "Federally designated empowerment zone" means a  
120 geographic area of the state designated by the Federal  
121 Government as an empowerment zone under the Federal Empowerment  
122 Zone Program as defined in s. 290.0491.

123 (9) "Florida Enterprise Zone Act" has the same meaning as  
124 provided in s. 290.001.

125 (10) "Legacy enterprise zone" means an enterprise zone  
126 designated under the Florida Enterprise Zone Act.

127 (11) "New business" means a business that applies for  
128 state incentives under ss. 290.201-290.219 before beginning  
129 operations in an enterprise program zone and that is a legal  
130 entity separate from any other commercial or industrial  
131 operations owned by the same business.

132 (12) "Project" means the creation of a new business, or  
133 the expansion or rebuilding of an existing business, located in  
134 an enterprise program zone.

135 (13) "Qualified business" means a business that meets the  
136 qualifications under s. 290.211 to receive state incentives  
137 under ss. 290.213 and 290.215.

138 (14) "Rebuilding of an existing business" means  
139 replacement or restoration of real or tangible property  
140 destroyed or damaged during an emergency in an enterprise

HB 1413

2012

141 program zone by a business located in the zone.

142 (15) "Zone development corporation" means a corporation  
 143 not for profit created under s. 290.207 to administer an  
 144 enterprise program zone.

145 Section 3. Section 290.205, Florida Statutes, is created  
 146 to read:

147 290.205 Florida Urban Investment Job Creation Authority;  
 148 creation; membership and duties.-

149 (1) There is created within the Department of Economic  
 150 Opportunity the Florida Urban Investment Job Creation Authority.  
 151 The authority shall be composed of the following 11 members:

152 (a) Five public-sector members, who shall be appointed by  
 153 the Governor, at least three of whom must be employed or reside  
 154 in an enterprise program zone or, for initial members, in a  
 155 legacy enterprise zone or federally designated empowerment zone.  
 156 The Governor may not appoint more than three public-sector  
 157 members of the same political party affiliation. Public-sector  
 158 members shall be appointed to terms of 4 years, except that the  
 159 Governor, to establish staggered terms, may appoint members to  
 160 initial terms of less than 4 years. The Governor shall fill the  
 161 vacancy of a public-sector member for the unexpired portion of  
 162 the member's term in the same manner as the original  
 163 appointment.

164 (b) One business owner, who shall be appointed by the  
 165 Governor, whose principal place of business is located in an  
 166 enterprise program zone or, for the initial member, in a legacy  
 167 enterprise zone or federally designated empowerment zone.

168 (c) The Chief Financial Officer of the state or his or her

169 designee.

170 (d) The executive director of the department or his or her  
 171 designee.

172 (e) The president of Enterprise Florida, Inc., or his or  
 173 her designee.

174 (f) One member appointed by the President of the Senate  
 175 and one member appointed by the Speaker of the House of  
 176 Representatives, both of whom must have training and experience  
 177 in local government, finance, economic development, or  
 178 redevelopment or participate in volunteer, civic, or community  
 179 organizations.

180 (2) Each member shall hold office until his or her  
 181 successor is appointed and qualified, unless the member ceases  
 182 to be qualified or is removed from office.

183 (3) The department shall provide administrative and staff  
 184 support services for the authority.

185 (4) The authority shall:

186 (a) Designate enterprise program zones pursuant to s.  
 187 290.209.

188 (b) Approve or deny applications, based upon the  
 189 recommendations of the zone development corporations, for the  
 190 qualification of businesses to receive state incentives under  
 191 ss. 290.213 and 290.215.

192 (c) Certify annually to the Chief Financial Officer the  
 193 amounts to be paid from the enterprise program zone assistance  
 194 funds to support proposed projects under s. 290.213.

195 (d) By February 15 of each year, submit an annual report  
 196 to the Governor, the President of the Senate, the Speaker of the

HB 1413

2012

197 House of Representatives, and the department on the authority's  
198 activities for the previous fiscal year. The report must include  
199 a complete financial statement setting forth the authority's  
200 assets, liabilities, income, and operating expenses as of the  
201 end of the fiscal year.

202 (5) One year after the designation of the enterprise  
203 program zones under s. 290.209, the authority shall prepare a  
204 fiscal impact study of each enterprise program zone. The report  
205 must include, but need not be limited to, an analysis of the  
206 effects of each enterprise program zone on the economy of the  
207 county or municipality in which the enterprise program zone is  
208 located and any recommendations for legislation to improve the  
209 effectiveness of the enterprise program zones. By July 1, 2015,  
210 the authority shall submit a copy of the report to the Governor,  
211 the President of the Senate, the Speaker of the House of  
212 Representatives, and the Chief Financial Officer. After  
213 submitting the initial fiscal impact study, the authority shall  
214 prepare such report annually. The authority may use a portion of  
215 any funds provided for projects of qualified businesses by the  
216 enterprise program zone assistance funds to pay the costs of  
217 each study.

218 Section 4. Section 290.207, Florida Statutes, is created  
219 to read:

220 290.207 Zone development corporations; creation; board of  
221 directors; membership.—

222 (1) A zone development corporation shall be created within  
223 each legacy enterprise zone and federally designated empowerment  
224 zone in the state. Each zone development corporation shall be



225 organized as a corporation not for profit.

226 (2) The board of directors of each zone development  
 227 corporation shall be composed of the following members:

228 (a) One business owner, who shall be appointed by the  
 229 Governor, whose principal place of business is located in the  
 230 enterprise program zone or, for the initial member, in the  
 231 legacy enterprise zone or federally designated empowerment zone.

232 (b) Two business or community leaders who reside in, or  
 233 whose principal place of business is located in, the enterprise  
 234 program zone or, for initial members, in the legacy enterprise  
 235 zone or federally designated empowerment zone, one of whom shall  
 236 be appointed by the President of the Senate and one of whom  
 237 shall be appointed by the Speaker of the House of  
 238 Representatives.

239 (c) For each county all or part of whose territory lies  
 240 within the enterprise program zone or, for initial members,  
 241 within the legacy enterprise zone or federally designated  
 242 empowerment zone, one member appointed by the board of county  
 243 commissioners of the county.

244 (d) For each municipality all or part of whose territory  
 245 lies within the enterprise program zone or, for initial members,  
 246 within the legacy enterprise zone or federally designated  
 247 empowerment zone, one member appointed by the governing board of  
 248 the municipality.

249 (3) (a) Board members shall be appointed to terms of 4  
 250 years, except that members appointed by the President of the  
 251 Senate and the Speaker of the House of Representatives shall be  
 252 appointed to terms of 2 years. A vacancy of the unexpired

HB 1413

2012

253 portion of a member's term shall be filled in the same manner as  
254 the original appointment. Each board member shall hold office  
255 until his or her successor is appointed and qualified, unless  
256 the member ceases to be qualified or is removed from office.

257 (b) Upon the appointment or reappointment of a board  
258 member, the corporation must file a certificate of appointment  
259 or reappointment with the clerk of the respective county or  
260 municipality.

261 (c) Board members shall serve without compensation but are  
262 entitled to reimbursement for per diem and travel expenses as  
263 provided in s. 112.061.

264 (4) (a) Each zone development corporation shall select a  
265 chair and vice chair from among its members.

266 (b) Subject to funding provided by a county, municipality,  
267 or authorized local economic development agency, a zone  
268 development corporation may employ or designate an executive  
269 director, technical experts, and other agents and employees,  
270 permanent and temporary, and determine their qualifications,  
271 duties, and compensation. For legal services, a zone development  
272 corporation may employ private counsel or use attorneys of the  
273 county, municipality, or authorized local economic development  
274 agency at the discretion of the county, municipality, or  
275 authorized local economic development agency.

276 (5) Each zone development corporation shall:

277 (a) Adopt and administer a zone development plan that sets  
278 forth the boundary of the enterprise program zone designated  
279 under s. 290.209, the development goals of the enterprise  
280 program zone, and direction for qualified businesses located in

HB 1413

2012

281 the enterprise program zone.

282 (b) Conduct meetings of the board of directors at least  
283 quarterly to evaluate applications for qualified businesses to  
284 receive tax credits and other state incentives under s. 290.215.

285 (c) Administer an enterprise program zone assistance fund  
286 to provide loans, loan guarantees, loan-loss reserves, and  
287 investments for projects of qualified businesses located in the  
288 enterprise program zone pursuant to s. 290.213.

289 (d) Conduct an open public forum at least quarterly during  
290 which urban development projects and the use of enterprise  
291 program zone assistance funds may be proposed and discussed.

292 (6) (a) By March 1 of each year, each zone development  
293 corporation shall submit to the county or municipal clerk a  
294 report of its activities for the previous fiscal year. The  
295 report must include a complete financial statement setting forth  
296 the corporation's assets, liabilities, income, and operating  
297 expenses as of the end of the fiscal year. When filing the  
298 report, each zone development corporation shall publish a notice  
299 in a newspaper of general circulation in the enterprise program  
300 zone that such report was filed with the respective county or  
301 municipal clerk and is available for inspection during business  
302 hours at the offices of the zone development corporation.

303 (b) By February 15 of each year, each zone development  
304 corporation shall submit a report of its activities to the  
305 Governor, the President of the Senate, the Speaker of the House  
306 of Representatives, and the authority.

307 (c) Each zone development corporation shall annually  
308 submit a report to the authority accounting for the expenditure

HB 1413

2012

309 of enterprise program zone assistance funds.

310 Section 5. Section 290.209, Florida Statutes, is created  
311 to read:

312 290.209 Designation of enterprise program zones.—

313 (1) The authority shall, in each legacy enterprise zone  
314 and federally designated empowerment zone in the state,  
315 establish an enterprise program zone and designate the  
316 geographic boundary of the zone.

317 (2) By October 1, 2012, each zone development corporation  
318 shall submit to the authority the following:

319 (a) An economic report prepared by the corporation for the  
320 respective enterprise program zone. The report must include  
321 current census data and other economic indicators that identify  
322 the most economically distressed areas in the legacy enterprise  
323 zone or federally designated empowerment zone.

324 (b) The corporation's written recommendations for the  
325 initial boundary of the enterprise program zone based upon  
326 findings of the economic report.

327 (3) Before establishing the initial boundary of an  
328 enterprise program zone, the authority must consider:

329 (a) The zone development corporation's economic report and  
330 recommendations for the initial boundary.

331 (b) The historical boundary of the legacy enterprise zone  
332 or federally designated empowerment zone.

333 (4) A zone development corporation may periodically apply  
334 to the authority for amendment of the enterprise program zone's  
335 boundary. The application must be based on a revised economic  
336 report and recommendations submitted to the authority in the

337 same manner as provided under paragraphs (2) (a) and (b) for the  
 338 initial boundary. Before amending the boundary, the authority  
 339 must consider the factors described in paragraphs (3) (a) and (b)  
 340 and the historical boundary of the enterprise program zone.

341 (5) The total area of an enterprise program zone may not  
 342 exceed 25 percent of the total area of the legacy enterprise  
 343 zone or federally designated empowerment zone.

344 Section 6. Section 290.211, Florida Statutes, is created  
 345 to read:

346 290.211 Qualified businesses.—

347 (1) Effective July 1, 2013, a business is qualified to  
 348 receive the state incentives provided under s. 290.215 if:

349 (a) The business is authorized to transact business in the  
 350 state.

351 (b) The business is actively engaged in the conduct of a  
 352 trade or business located in an enterprise program zone  
 353 designated under s. 290.209.

354 (c) The business is not an adult entertainment  
 355 establishment as defined in s. 847.001.

356 (d) At least 25 percent of the business's full-time  
 357 employees:

358 1. Reside in the enterprise program zone;

359 2. Reside in the state and were totally unemployed as  
 360 defined in s. 443.036(44) (a) for at least 6 months before  
 361 employment by the business;

362 3. Were recipients of temporary cash assistance under s.  
 363 414.045 for at least 6 months before employment by the business;

364 or

HB 1413

2012

365 4. Are low-income individuals as defined in the federal  
366 Workforce Investment Act, 29 U.S.C. s. 2801.

367 (2) A qualified business must maintain its qualifications  
368 under subsection (1) to continue to receive the state incentives  
369 provided under s. 290.215. Upon ceasing to meet the  
370 qualifications, a business may not receive additional  
371 incentives.

372 Section 7. Section 290.213, Florida Statutes, is created  
373 to read:

374 290.213 Enterprise program zone assistance funds.—

375 (1) (a) Effective July 1, 2013, and subject to legislative  
376 appropriations, each zone development corporation shall  
377 administer a separate assistance fund to provide loans, loan  
378 guarantees, loan-loss reserves, and investments for projects of  
379 qualified businesses located in the corporation's enterprise  
380 program zone.

381 (b) Each zone development corporation shall develop  
382 criteria for the approval of projects in its enterprise program  
383 zone relating to comprehensive urban planning, neighborhood  
384 aesthetics and compatibility, and the maximization of economic  
385 development and job creation opportunities.

386 (2) (a) To receive assistance for a project under this  
387 section, a qualified business must apply to the zone development  
388 corporation. The application shall be developed by the authority  
389 in consultation with the department. The application must  
390 demonstrate whether the business is a new business or an  
391 expansion or rebuilding of an existing business located in the  
392 enterprise program zone.

HB 1413

2012

393        (b) The zone development corporation shall review and,  
394 based upon the corporation's criteria, evaluate each submitted  
395 application and recommend approval or disapproval to the  
396 authority.

397        (c) Upon receipt of an application and recommendation from  
398 the zone development corporation, the authority shall review,  
399 evaluate, and determine whether to approve or deny the  
400 application. The authority shall notify the applicant, the zone  
401 development corporation, and the department of each approved  
402 application.

403        (d) If the authority denies an application, it shall  
404 notify the applicant and the zone development corporation and  
405 describe the reasons for denial. The authority has final  
406 approval authority for projects under this section.

407        (3) A zone development corporation shall use any loan  
408 repayments and collected interest to provide additional  
409 assistance to qualified businesses for projects under this  
410 section.

411        (4) Unexpended balances of an appropriation provided for  
412 assistance to qualified businesses under this section do not  
413 revert to the fund from which the appropriation was made at the  
414 end of the fiscal year, but shall be retained in the Economic  
415 Development Trust Fund and be carried forward to provide  
416 additional assistance to qualified businesses under this section  
417 during the following fiscal year.

418        (5) A zone development corporation may collect an  
419 administrative fee not exceed 10 percent of the assistance  
420 provided to qualified businesses under this section.

HB 1413

2012

421 Section 8. Section 290.215, Florida Statutes, is created  
422 to read:

423 290.215 State incentives available for enterprise program  
424 zones; tax increment financing.-

425 (1) Effective July 1, 2013, the following state incentives  
426 are available for qualified businesses located in an enterprise  
427 program zone:

428 (a) The enterprise program zone sales and use tax credits  
429 provided under s. 212.0965.

430 (b) The enterprise program zone corporate income tax  
431 credits provided under s. 220.183.

432 (c) Loans, loan guarantees, loan-loss reserves, and  
433 investments provided for projects by enterprise program zone  
434 assistance funds under s. 290.213.

435 (d) A credit against unemployment contributions provided  
436 under s. 443.1217(2)(h).

437 (2) By June 1, 2013, the authority, in consultation with  
438 the department and the Department of Revenue, shall determine  
439 the tax floor for each enterprise program zone designated under  
440 s. 290.209. As used in this section, the term "tax floor" means  
441 the aggregate amount of sales and use tax collections from all  
442 businesses in an enterprise program zone for the 2011-2012  
443 fiscal year.

444 (3) (a) By June 1 of each year, the authority, in  
445 consultation with the department and the Department of Revenue,  
446 shall calculate the maximum aggregate amount of state incentives  
447 described in paragraphs (1) (a)-(c) which are available for each  
448 enterprise program zone for the following fiscal year. Such



HB 1413

2012

449 maximum amount may not exceed the aggregate amount of the sales  
450 and use tax collections from all businesses in the enterprise  
451 program zone during the previous fiscal year which exceed the  
452 tax floor established for the enterprise program zone pursuant  
453 to subsection (2).

454 (b) Any portion of the maximum amount of state incentives  
455 established per fiscal year which is not used by the end of a  
456 fiscal year shall be carried forward and made available for use  
457 during the following 2 fiscal years in addition to the amounts  
458 available for use under paragraph (a) for those fiscal years.

459 (4) (a) The authority shall annually allocate legislative  
460 appropriations among the zone development corporations for the  
461 enterprise program zone assistance funds provided to projects of  
462 qualified businesses under s. 290.213. The authority shall  
463 certify annually to the State Treasurer amounts to be paid from  
464 the Economic Development Trust Fund to support the approved  
465 projects.

466 (b) The amount available for state incentives in the  
467 enterprise program zone, including tax credits, loans, loan  
468 guarantees, loan-loss reserves, and investments authorized in  
469 paragraphs (1) (a)-(c), may not exceed the maximum aggregate  
470 amount calculated for these incentives under paragraph (3) (a).

471 Section 9. Section 290.217, Florida Statutes, is created  
472 to read:

473 290.217 Review of enterprise program zones.—

474 (1) By January 15, 2022, the Office of Program Policy  
475 Analysis and Government Accountability shall submit a report to  
476 the Governor, the President of the Senate, and the Speaker of

477 the House of Representatives of its findings and recommendations  
478 on the Urban Job Creation Investment Act. The report shall  
479 review and evaluate the effectiveness of each enterprise program  
480 zone using the annual fiscal reports prepared by the authority  
481 under s. 290.205(5). The report shall also evaluate whether the  
482 state incentives provided to businesses in each enterprise  
483 program zone caused or contributed to:

484 (a) New investment and development in the enterprise  
485 program zone;

486 (b) An increase in the number of jobs created or retained  
487 in the enterprise program zone;

488 (c) The renovation, rehabilitation, restoration,  
489 improvement, or new construction of businesses or housing in the  
490 enterprise program zone; or

491 (d) The economic viability and profitability of businesses  
492 and commerce in the enterprise program zone.

493 (2) Before the 2022 Regular Session of the Legislature,  
494 the appropriate committees of the Senate and House of  
495 Representatives shall consider legislation to implement the  
496 report's recommendations.

497 Section 10. Section 290.219, Florida Statutes, is created  
498 to read:

499 290.219 Expiration.—

500 (1) Sections 290.201-290.219 expire June 30, 2022.

501 (2) Effective June 30, 2022, each enterprise program zone  
502 designated under s. 290.209 is abolished, and a qualified  
503 business may not claim or receive a state incentive provided  
504 under s. 290.213 or s. 290.215 after that date.

505 Section 11. Section 212.0965, Florida Statutes, is created  
 506 to read:

507 212.0965 Sales, rental, storage, use tax; enterprise  
 508 program zone credit against sales tax.—

509 (1) Effective July 1, 2013, there shall be allowed the  
 510 following credits against the tax imposed by this chapter for  
 511 any qualified business as defined in s. 290.203 located in an  
 512 enterprise program zone:

513 (a) A credit equal to 50 percent of the business's sales  
 514 and use tax liability imposed under this chapter, except for tax  
 515 liability resulting from the purchase of a new or used motor  
 516 vehicle or mobile home or the sale of obscene material as  
 517 defined in s. 847.0133.

518 (b) A credit equal to 50 percent of the business's sales  
 519 and use tax liability from the purchase of tangible personal  
 520 property that has a depreciable life of 3 years or more.

521 (2) (a) To be eligible to receive a tax credit provided  
 522 under paragraph (1) (a) or paragraph (1) (b), a qualified business  
 523 must initially apply to the zone development corporation created  
 524 under s. 290.207.

525 (b) An original certification is valid for 2 years. In  
 526 lieu of submitting a new application, the original certification  
 527 may be renewed biennially by submitting to the Florida Urban  
 528 Investment Job Creation Authority a statement, certified under  
 529 oath, that there has been no material change in the conditions  
 530 or circumstances entitling the qualified business to the  
 531 original certification. The initial application and the  
 532 certification renewal statement shall be developed by the

HB 1413

2012

533 Florida Urban Investment Job Creation Authority in consultation  
534 with the department.

535 (c) The zone development corporation shall review each  
536 submitted initial application and determine whether the  
537 application is complete. Once complete, the zone development  
538 corporation shall evaluate the application and recommend  
539 approval or disapproval to the Florida Urban Investment Job  
540 Creation Authority.

541 (d) Upon receipt of an initial application and  
542 recommendation from the zone development corporation, or upon  
543 receipt of a certification renewal statement, the Florida Urban  
544 Investment Job Creation Authority shall certify qualified  
545 businesses that meet the requirements of s. 290.211 and notify  
546 the applicant, the zone development corporation, and the  
547 department of the original certification or certification  
548 renewal.

549 (e) If the Florida Urban Investment Job Creation Authority  
550 finds that the applicant does not meet the requirements of s.  
551 290.211, it shall notify the applicant and the zone development  
552 corporation that the application for certification is denied and  
553 the reasons for denial. The Florida Urban Investment Job  
554 Creation Authority has final approval authority for  
555 certification under this section.

556 (3) This section expires on the date specified in s.  
557 290.219 for the expiration of the Urban Job Creation Investment  
558 Act.

559 Section 12. Section 220.1815, Florida Statutes, is created  
560 to read:

HB 1413

2012

561 220.1815 Enterprise program zone tax credits.-

562 (1) Effective July 1, 2013, there shall be allowed the  
563 following credits against the tax imposed by this chapter for  
564 any qualified business as defined in s. 290.203 located in an  
565 enterprise program zone:

566 (a) A credit equal to 8 percent of the business's  
567 corporate income tax liability imposed under this chapter.

568 (b) A credit equal to \$1,500 of the business's corporate  
569 income tax liability for hiring a new full-time employee who  
570 resides in the enterprise program zone, if such employee  
571 received temporary cash assistance under s. 414.045, or was  
572 totally unemployed as defined in s. 443.036(44) (a), for at least  
573 90 days before such employment. The tax credit provided under  
574 this paragraph may be claimed only once per new full-time  
575 employee for the taxable year during which the business  
576 initially hires such employee.

577 (2) (a) To be eligible to receive a tax credit provided  
578 under paragraph (1) (a) or paragraph (1) (b), a qualified business  
579 must initially apply to the zone development corporation created  
580 under s. 290.207. The application shall be developed by the  
581 Florida Urban Investment Job Creation Authority in consultation  
582 with the department.

583 (b) When claiming a tax credit under paragraph (1) (b), the  
584 application must include a statement, filed under oath with the  
585 zone development corporation, which includes for each new  
586 employee for whom the credit is claimed, the employee's name and  
587 residential address during the taxable year and, if applicable,  
588 documentation that the employee received temporary cash

HB 1413

2012

589 assistance or was totally unemployed for at least 90 days before  
590 employment by the qualified business.

591 (c) The zone development corporation shall review each  
592 submitted application and determine whether the application is  
593 complete. Once complete, the zone development corporation shall  
594 evaluate the application and recommend approval or disapproval  
595 to the Florida Urban Investment Job Creation Authority.

596 (d) Upon receipt of an application and recommendation from  
597 the zone development corporation, the Florida Urban Investment  
598 Job Creation Authority shall certify qualified businesses that  
599 meet the requirements of s. 290.211 and this section and notify  
600 the applicant, the zone development corporation, and the  
601 department of the certification.

602 (e) If the Florida Urban Investment Job Creation Authority  
603 finds that the applicant does not meet the requirements of s.  
604 290.211 or this section, the authority must notify the applicant  
605 and the zone development corporation that the application for  
606 certification is denied and the reasons for denial. The Florida  
607 Urban Investment Job Creation Authority has final approval  
608 authority for certification under this section.

609 (3) If a tax credit certified under this section is not  
610 fully used in any one year, the unused amount may be carried  
611 forward for a period not to exceed 5 years. The carryover credit  
612 may be used in a subsequent year when the tax imposed by this  
613 chapter for such year exceeds the credit for such year after  
614 applying the other credits and unused credit carryovers in the  
615 order provided in s. 220.02(8).

616 (4) This section expires on the date specified in s.

617 290.219 for the expiration of the Urban Job Creation Investment  
 618 Act.

619 Section 13. Subsection (8) of section 220.02, Florida  
 620 Statutes, is amended to read:

621 220.02 Legislative intent.—

622 (8) It is the intent of the Legislature that credits  
 623 against either the corporate income tax or the franchise tax be  
 624 applied in the following order: those enumerated in s. 631.828,  
 625 those enumerated in s. 220.191, those enumerated in s. 220.181,  
 626 those enumerated in s. 220.183, those enumerated in s. 220.182,  
 627 those enumerated in s. 220.1895, those enumerated in s. 220.195,  
 628 those enumerated in s. 220.184, those enumerated in s. 220.186,  
 629 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
 630 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
 631 those enumerated in s. 220.192, those enumerated in s. 220.193,  
 632 those enumerated in s. 288.9916, those enumerated in s.  
 633 220.1899, those enumerated in s. 220.1896, those enumerated in  
 634 s. 220.194, ~~and~~ those enumerated in s. 220.196, and those  
 635 enumerated in s. 220.1815.

636 Section 14. Paragraph (h) is added to subsection (2) of  
 637 section 443.1217, Florida Statutes, to read:

638 443.1217 Wages.—

639 (2) For the purpose of determining an employer's  
 640 contributions, the following wages are exempt from this chapter:

641 (h) Beginning July 1, 2013, remuneration paid by a  
 642 qualified business as defined in s. 290.203 to an individual who  
 643 earns less than \$4,500 during the calendar quarter.

644 Section 15. Section 290.016, Florida Statutes, is amended

645 to read:

646 290.016 Repeal.—Sections 290.001-290.014 are repealed June  
 647 30, 2013 ~~December 31, 2015~~.

648 Section 16. For the purpose of incorporating the amendment  
 649 made by this act to section 290.016, Florida Statutes, in a  
 650 reference thereto, paragraph (c) of subsection (8) of section  
 651 166.231, Florida Statutes, is reenacted to read:

652 166.231 Municipalities; public service tax.—  
 653 (8)

654 (c) This subsection expires on the date specified in s.  
 655 290.016 for the expiration of the Florida Enterprise Zone Act,  
 656 except that any qualified business that has satisfied the  
 657 requirements of this subsection before that date shall be  
 658 allowed the full benefit of the exemption allowed under this  
 659 subsection as if this subsection had not expired on that date.

660 Section 17. For the purpose of incorporating the amendment  
 661 made by this act to section 290.016, Florida Statutes, in a  
 662 reference thereto, subsection (4) of section 193.077, Florida  
 663 Statutes, is reenacted to read:

664 193.077 Notice of new, rebuilt, or expanded property.—

665 (4) This section expires on the date specified in s.  
 666 290.016 for the expiration of the Florida Enterprise Zone Act.

667 Section 18. For the purpose of incorporating the amendment  
 668 made by this act to section 290.016, Florida Statutes, in a  
 669 reference thereto, paragraph (b) of subsection (5) of section  
 670 193.085, Florida Statutes, is reenacted to read:

671 193.085 Listing all property.—  
 672 (5)



673 (b) This subsection expires on the date specified in s.  
 674 290.016 for the expiration of the Florida Enterprise Zone Act.

675 Section 19. For the purpose of incorporating the amendment  
 676 made by this act to section 290.016, Florida Statutes, in a  
 677 reference thereto, paragraph (b) of subsection (4) of section  
 678 195.073, Florida Statutes, is reenacted to read:

679 195.073 Classification of property.—All items required by  
 680 law to be on the assessment rolls must receive a classification  
 681 based upon the use of the property. The department shall  
 682 promulgate uniform definitions for all classifications. The  
 683 department may designate other subclassifications of property.  
 684 No assessment roll may be approved by the department which does  
 685 not show proper classifications.

686 (4)

687 (b) This subsection expires on the date specified in s.  
 688 290.016 for the expiration of the Florida Enterprise Zone Act.

689 Section 20. For the purpose of incorporating the amendment  
 690 made by this act to section 290.016, Florida Statutes, in a  
 691 reference thereto, paragraph (b) of subsection (1) of section  
 692 195.099, Florida Statutes, is reenacted to read:

693 195.099 Periodic review.—

694 (1)

695 (b) This subsection shall expire on the date specified in  
 696 s. 290.016 for the expiration of the Florida Enterprise Zone  
 697 Act.

698 Section 21. For the purpose of incorporating the amendment  
 699 made by this act to section 290.016, Florida Statutes, in a  
 700 reference thereto, subsection (19) of section 196.012, Florida

701 Statutes, is reenacted to read:

702 196.012 Definitions.—For the purpose of this chapter, the  
 703 following terms are defined as follows, except where the context  
 704 clearly indicates otherwise:

705 (19) "Enterprise zone" means an area designated as an  
 706 enterprise zone pursuant to s. 290.0065. This subsection expires  
 707 on the date specified in s. 290.016 for the expiration of the  
 708 Florida Enterprise Zone Act.

709 Section 22. For the purpose of incorporating the amendment  
 710 made by this act to section 290.016, Florida Statutes, in a  
 711 reference thereto, subsection (4) of section 205.022, Florida  
 712 Statutes, is reenacted to read:

713 205.022 Definitions.—When used in this chapter, the  
 714 following terms and phrases shall have the meanings ascribed to  
 715 them in this section, except when the context clearly indicates  
 716 a different meaning:

717 (4) "Enterprise zone" means an area designated as an  
 718 enterprise zone pursuant to s. 290.0065. This subsection expires  
 719 on the date specified in s. 290.016 for the expiration of the  
 720 Florida Enterprise Zone Act.

721 Section 23. For the purpose of incorporating the amendment  
 722 made by this act to section 290.016, Florida Statutes, in a  
 723 reference thereto, subsection (6) of section 205.054, Florida  
 724 Statutes, is reenacted to read:

725 205.054 Business tax; partial exemption for engaging in  
 726 business or occupation in enterprise zone.—

727 (6) This section expires on the date specified in s.  
 728 290.016 for the expiration of the Florida Enterprise Zone Act;

HB 1413

2012

729 and a receipt may not be issued with the exemption authorized in  
 730 this section for any period beginning on or after that date.

731 Section 24. For the purpose of incorporating the amendment  
 732 made by this act to section 290.016, Florida Statutes, in a  
 733 reference thereto, subsection (6) of section 212.02, Florida  
 734 Statutes, is reenacted to read:

735 212.02 Definitions.—The following terms and phrases when  
 736 used in this chapter have the meanings ascribed to them in this  
 737 section, except where the context clearly indicates a different  
 738 meaning:

739 (6) "Enterprise zone" means an area of the state  
 740 designated pursuant to s. 290.0065. This subsection expires on  
 741 the date specified in s. 290.016 for the expiration of the  
 742 Florida Enterprise Zone Act.

743 Section 25. For the purpose of incorporating the amendment  
 744 made by this act to section 290.016, Florida Statutes, in a  
 745 reference thereto, paragraph (g) of subsection (5) of section  
 746 212.08, Florida Statutes, is reenacted to read:

747 212.08 Sales, rental, use, consumption, distribution, and  
 748 storage tax; specified exemptions.—The sale at retail, the  
 749 rental, the use, the consumption, the distribution, and the  
 750 storage to be used or consumed in this state of the following  
 751 are hereby specifically exempt from the tax imposed by this  
 752 chapter.

753 (5) EXEMPTIONS; ACCOUNT OF USE.—

754 (g) Building materials used in the rehabilitation of real  
 755 property located in an enterprise zone.—

756 1. Building materials used in the rehabilitation of real

757 property located in an enterprise zone are exempt from the tax  
758 imposed by this chapter upon an affirmative showing to the  
759 satisfaction of the department that the items have been used for  
760 the rehabilitation of real property located in an enterprise  
761 zone. Except as provided in subparagraph 2., this exemption  
762 inures to the owner, lessee, or lessor at the time the real  
763 property is rehabilitated, but only through a refund of  
764 previously paid taxes. To receive a refund pursuant to this  
765 paragraph, the owner, lessee, or lessor of the rehabilitated  
766 real property must file an application under oath with the  
767 governing body or enterprise zone development agency having  
768 jurisdiction over the enterprise zone where the business is  
769 located, as applicable. A single application for a refund may be  
770 submitted for multiple, contiguous parcels that were part of a  
771 single parcel that was divided as part of the rehabilitation of  
772 the property. All other requirements of this paragraph apply to  
773 each parcel on an individual basis. The application must  
774 include:

- 775 a. The name and address of the person claiming the refund.  
776 b. An address and assessment roll parcel number of the  
777 rehabilitated real property for which a refund of previously  
778 paid taxes is being sought.  
779 c. A description of the improvements made to accomplish  
780 the rehabilitation of the real property.  
781 d. A copy of a valid building permit issued by the county  
782 or municipal building department for the rehabilitation of the  
783 real property.  
784 e. A sworn statement, under penalty of perjury, from the

HB 1413

2012

785 | general contractor licensed in this state with whom the  
786 | applicant contracted to make the improvements necessary to  
787 | rehabilitate the real property, which lists the building  
788 | materials used to rehabilitate the real property, the actual  
789 | cost of the building materials, and the amount of sales tax paid  
790 | in this state on the building materials. If a general contractor  
791 | was not used, the applicant, not a general contractor, shall  
792 | make the sworn statement required by this sub-subparagraph.  
793 | Copies of the invoices that evidence the purchase of the  
794 | building materials used in the rehabilitation and the payment of  
795 | sales tax on the building materials must be attached to the  
796 | sworn statement provided by the general contractor or by the  
797 | applicant. Unless the actual cost of building materials used in  
798 | the rehabilitation of real property and the payment of sales  
799 | taxes is documented by a general contractor or by the applicant  
800 | in this manner, the cost of the building materials is deemed to  
801 | be an amount equal to 40 percent of the increase in assessed  
802 | value for ad valorem tax purposes.

803 |       f. The identifying number assigned pursuant to s. 290.0065  
804 | to the enterprise zone in which the rehabilitated real property  
805 | is located.

806 |       g. A certification by the local building code inspector  
807 | that the improvements necessary to rehabilitate the real  
808 | property are substantially completed.

809 |       h. A statement of whether the business is a small business  
810 | as defined by s. 288.703.

811 |       i. If applicable, the name and address of each permanent  
812 | employee of the business, including, for each employee who is a

HB 1413

2012

813 resident of an enterprise zone, the identifying number assigned  
814 pursuant to s. 290.0065 to the enterprise zone in which the  
815 employee resides.

816 2. This exemption inures to a municipality, county, other  
817 governmental unit or agency, or nonprofit community-based  
818 organization through a refund of previously paid taxes if the  
819 building materials used in the rehabilitation are paid for from  
820 the funds of a community development block grant, State Housing  
821 Initiatives Partnership Program, or similar grant or loan  
822 program. To receive a refund, a municipality, county, other  
823 governmental unit or agency, or nonprofit community-based  
824 organization must file an application that includes the same  
825 information required in subparagraph 1. In addition, the  
826 application must include a sworn statement signed by the chief  
827 executive officer of the municipality, county, other  
828 governmental unit or agency, or nonprofit community-based  
829 organization seeking a refund which states that the building  
830 materials for which a refund is sought were funded by a  
831 community development block grant, State Housing Initiatives  
832 Partnership Program, or similar grant or loan program.

833 3. Within 10 working days after receipt of an application,  
834 the governing body or enterprise zone development agency shall  
835 review the application to determine if it contains all the  
836 information required by subparagraph 1. or subparagraph 2. and  
837 meets the criteria set out in this paragraph. The governing body  
838 or agency shall certify all applications that contain the  
839 required information and are eligible to receive a refund. If  
840 applicable, the governing body or agency shall also certify if

HB 1413

2012

841 20 percent of the employees of the business are residents of an  
842 enterprise zone, excluding temporary and part-time employees.  
843 The certification must be in writing, and a copy of the  
844 certification shall be transmitted to the executive director of  
845 the department. The applicant is responsible for forwarding a  
846 certified application to the department within the time  
847 specified in subparagraph 4.

848 4. An application for a refund must be submitted to the  
849 department within 6 months after the rehabilitation of the  
850 property is deemed to be substantially completed by the local  
851 building code inspector or by November 1 after the rehabilitated  
852 property is first subject to assessment.

853 5. Only one exemption through a refund of previously paid  
854 taxes for the rehabilitation of real property is permitted for  
855 any single parcel of property unless there is a change in  
856 ownership, a new lessor, or a new lessee of the real property. A  
857 refund may not be granted unless the amount to be refunded  
858 exceeds \$500. A refund may not exceed the lesser of 97 percent  
859 of the Florida sales or use tax paid on the cost of the building  
860 materials used in the rehabilitation of the real property as  
861 determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if  
862 at least 20 percent of the employees of the business are  
863 residents of an enterprise zone, excluding temporary and part-  
864 time employees, the amount of refund may not exceed the lesser  
865 of 97 percent of the sales tax paid on the cost of the building  
866 materials or \$10,000. A refund shall be made within 30 days  
867 after formal approval by the department of the application for  
868 the refund.

869           6. The department shall adopt rules governing the manner  
 870 and form of refund applications and may establish guidelines as  
 871 to the requisites for an affirmative showing of qualification  
 872 for exemption under this paragraph.

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

879           8. For the purposes of the exemption provided in this  
 880 paragraph, the term:

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

883           b. "Real property" has the same meaning as provided in s.  
 884 192.001(12), except that the term does not include a condominium  
 885 parcel or condominium property as defined in s. 718.103.

886           c. "Rehabilitation of real property" means the  
 887 reconstruction, renovation, restoration, rehabilitation,  
 888 construction, or expansion of improvements to real property.

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

891           9. This paragraph expires on the date specified in s.  
 892 290.016 for the expiration of the Florida Enterprise Zone Act.

893           Section 26. For the purpose of incorporating the amendment  
 894 made by this act to section 290.016, Florida Statutes, in a  
 895 reference thereto, subsection (12) of section 212.096, Florida  
 896 Statutes, is reenacted to read:



HB 1413

2012

897 212.096 Sales, rental, storage, use tax; enterprise zone  
 898 jobs credit against sales tax.—

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

902 Section 27. For the purpose of incorporating the amendment  
 903 made by this act to section 290.016, Florida Statutes, in  
 904 references thereto, paragraph (c) of subsection (6) and  
 905 paragraph (c) of subsection (7) of section 220.02, Florida  
 906 Statutes, are reenacted to read:

907 220.02 Legislative intent.—

908 (6)

909 (c) This subsection expires on the date specified in s.  
 910 290.016 for the expiration of the Florida Enterprise Zone Act.

911 (7)

912 (c) This subsection expires on the date specified in s.  
 913 290.016 for the expiration of the Florida Enterprise Zone Act.

914 Section 28. For the purpose of incorporating the amendment  
 915 made by this act to section 290.016, Florida Statutes, in  
 916 references thereto, subsection (1) of section 220.03, Florida  
 917 Statutes, is reenacted to read:

918 220.03 Definitions.—

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

923 (a) "Ad valorem taxes paid" means 96 percent of property  
 924 taxes levied for operating purposes and does not include

925 interest, penalties, or discounts foregone. In addition, the  
 926 term "ad valorem taxes paid," for purposes of the credit in s.  
 927 220.182, means the ad valorem tax paid on new or additional real  
 928 or personal property acquired to establish a new business or  
 929 facilitate a business expansion, including pollution and waste  
 930 control facilities, or any part thereof, and including one or  
 931 more buildings or other structures, machinery, fixtures, and  
 932 equipment. This paragraph expires on the date specified in s.  
 933 290.016 for the expiration of the Florida Enterprise Zone Act.

934 (b) "Affiliated group of corporations" means two or more  
 935 corporations which constitute an affiliated group of  
 936 corporations as defined in s. 1504(a) of the Internal Revenue  
 937 Code.

938 (c) "Business" or "business firm" means any business  
 939 entity authorized to do business in this state as defined in  
 940 paragraph (e), and any bank or savings and loan association as  
 941 defined in s. 220.62, subject to the tax imposed by the  
 942 provisions of this chapter. This paragraph expires on the date  
 943 specified in s. 290.016 for the expiration of the Florida  
 944 Enterprise Zone Act.

945 (d) "Community contribution" means the grant by a business  
 946 firm of any of the following items:

- 947 1. Cash or other liquid assets.
- 948 2. Real property.
- 949 3. Goods or inventory.
- 950 4. Other physical resources as identified by the  
 951 department.

952

HB 1413

2012

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

955 (e) "Corporation" includes all domestic corporations;  
956 foreign corporations qualified to do business in this state or  
957 actually doing business in this state; joint-stock companies;  
958 limited liability companies, under chapter 608; common-law  
959 declarations of trust, under chapter 609; corporations not for  
960 profit, under chapter 617; agricultural cooperative marketing  
961 associations, under chapter 618; professional service  
962 corporations, under chapter 621; foreign unincorporated  
963 associations, under chapter 622; private school corporations,  
964 under chapter 623; foreign corporations not for profit which are  
965 carrying on their activities in this state; and all other  
966 organizations, associations, legal entities, and artificial  
967 persons which are created by or pursuant to the statutes of this  
968 state, the United States, or any other state, territory,  
969 possession, or jurisdiction. The term "corporation" does not  
970 include proprietorships, even if using a fictitious name;  
971 partnerships of any type, as such; limited liability companies  
972 that are taxable as partnerships for federal income tax  
973 purposes; state or public fairs or expositions, under chapter  
974 616; estates of decedents or incompetents; testamentary trusts;  
975 or private trusts.

976 (f) "Department" means the Department of Revenue of this  
977 state.

978 (g) "Director" means the executive director of the  
979 Department of Revenue and, when there has been an appropriate  
980 delegation of authority, the executive director's delegate.

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

984 (i) "Emergency," as used in s. 220.02 and in paragraph (u)  
 985 of this subsection, means occurrence of widespread or severe  
 986 damage, injury, or loss of life or property proclaimed pursuant  
 987 to s. 14.022 or declared pursuant to s. 252.36. This paragraph  
 988 expires on the date specified in s. 290.016 for the expiration  
 989 of the Florida Enterprise Zone Act.

990 (j) "Enterprise zone" means an area in the state  
 991 designated pursuant to s. 290.0065. This paragraph expires on  
 992 the date specified in s. 290.016 for the expiration of the  
 993 Florida Enterprise Zone Act.

994 (k) "Expansion of an existing business," for the purposes  
 995 of the enterprise zone property tax credit, means any business  
 996 entity authorized to do business in this state as defined in  
 997 paragraph (e), and any bank or savings and loan association as  
 998 defined in s. 220.62, subject to the tax imposed by the  
 999 provisions of this chapter, located in an enterprise zone, which  
 1000 expands by or through additions to real and personal property  
 1001 and which establishes five or more new jobs to employ five or  
 1002 more additional full-time employees at such location. This  
 1003 paragraph expires on the date specified in s. 290.016 for the  
 1004 expiration of the Florida Enterprise Zone Act.

1005 (l) "Fiscal year" means an accounting period of 12 months  
 1006 or less ending on the last day of any month other than December  
 1007 or, in the case of a taxpayer with an annual accounting period  
 1008 of 52-53 weeks under s. 441(f) of the Internal Revenue Code, the

1009 period determined under that subsection.

1010 (m) "Includes" or "including," when used in a definition  
 1011 contained in this code, shall not be deemed to exclude other  
 1012 things otherwise within the meaning of the term defined.

1013 (n) "Internal Revenue Code" means the United States  
 1014 Internal Revenue Code of 1986, as amended and in effect on  
 1015 January 1, 2011, except as provided in subsection (3).

1016 (o) "Local government" means any county or incorporated  
 1017 municipality in the state. This paragraph expires on the date  
 1018 specified in s. 290.016 for the expiration of the Florida  
 1019 Enterprise Zone Act.

1020 (p) "New business," for the purposes of the enterprise  
 1021 zone property tax credit, means any business entity authorized  
 1022 to do business in this state as defined in paragraph (e), or any  
 1023 bank or savings and loan association as defined in s. 220.62,  
 1024 subject to the tax imposed by the provisions of this chapter,  
 1025 first beginning operations on a site located in an enterprise  
 1026 zone and clearly separate from any other commercial or  
 1027 industrial operations owned by the same entity, bank, or savings  
 1028 and loan association and which establishes five or more new jobs  
 1029 to employ five or more additional full-time employees at such  
 1030 location. This paragraph expires on the date specified in s.  
 1031 290.016 for the expiration of the Florida Enterprise Zone Act.

1032 (q) "New employee," for the purposes of the enterprise  
 1033 zone jobs credit, means a person residing in an enterprise zone  
 1034 or a participant in the welfare transition program who is  
 1035 employed at a business located in an enterprise zone who begins  
 1036 employment in the operations of the business after July 1, 1995,

1037 and who has not been previously employed full time within the  
 1038 preceding 12 months by the business or a successor business  
 1039 claiming the credit pursuant to s. 220.181. A person shall be  
 1040 deemed to be employed by such a business if the person performs  
 1041 duties in connection with the operations of the business on a  
 1042 full-time basis, provided she or he is performing such duties  
 1043 for an average of at least 36 hours per week each month. The  
 1044 person must be performing such duties at a business site located  
 1045 in an enterprise zone. This paragraph expires on the date  
 1046 specified in s. 290.016 for the expiration of the Florida  
 1047 Enterprise Zone Act.

1048 (r) "Nonbusiness income" means rents and royalties from  
 1049 real or tangible personal property, capital gains, interest,  
 1050 dividends, and patent and copyright royalties, to the extent  
 1051 that they do not arise from transactions and activities in the  
 1052 regular course of the taxpayer's trade or business. The term  
 1053 "nonbusiness income" does not include income from tangible and  
 1054 intangible property if the acquisition, management, and  
 1055 disposition of the property constitute integral parts of the  
 1056 taxpayer's regular trade or business operations, or any amounts  
 1057 which could be included in apportionable income without  
 1058 violating the due process clause of the United States  
 1059 Constitution. For purposes of this definition, "income" means  
 1060 gross receipts less all expenses directly or indirectly  
 1061 attributable thereto. Functionally related dividends are  
 1062 presumed to be business income.

1063 (s) "Partnership" includes a syndicate, group, pool, joint  
 1064 venture, or other unincorporated organization through or by

1065 means of which any business, financial operation, or venture is  
 1066 carried on, including a limited partnership; and the term  
 1067 "partner" includes a member having a capital or a profits  
 1068 interest in a partnership.

1069 (t) "Project" means any activity undertaken by an eligible  
 1070 sponsor, as defined in s. 220.183(2)(c), which is designed to  
 1071 construct, improve, or substantially rehabilitate housing that  
 1072 is affordable to low-income or very-low-income households as  
 1073 defined in s. 420.9071(19) and (28); designed to provide  
 1074 commercial, industrial, or public resources and facilities; or  
 1075 designed to improve entrepreneurial and job-development  
 1076 opportunities for low-income persons. A project may be the  
 1077 investment necessary to increase access to high-speed broadband  
 1078 capability in rural communities with enterprise zones, including  
 1079 projects that result in improvements to communications assets  
 1080 that are owned by a business. A project may include the  
 1081 provision of museum educational programs and materials that are  
 1082 directly related to any project approved between January 1,  
 1083 1996, and December 31, 1999, and located in an enterprise zone  
 1084 designated pursuant to s. 290.0065. This paragraph does not  
 1085 preclude projects that propose to construct or rehabilitate low-  
 1086 income or very-low-income housing on scattered sites. With  
 1087 respect to housing, contributions may be used to pay the  
 1088 following eligible project-related activities:

1089 1. Project development, impact, and management fees for  
 1090 low-income or very-low-income housing projects;

1091 2. Down payment and closing costs for eligible persons, as  
 1092 defined in s. 420.9071(19) and (28);

1093           3. Administrative costs, including housing counseling and  
 1094 marketing fees, not to exceed 10 percent of the community  
 1095 contribution, directly related to low-income or very-low-income  
 1096 projects; and

1097           4. Removal of liens recorded against residential property  
 1098 by municipal, county, or special-district local governments when  
 1099 satisfaction of the lien is a necessary precedent to the  
 1100 transfer of the property to an eligible person, as defined in s.  
 1101 420.9071(19) and (28), for the purpose of promoting home  
 1102 ownership. Contributions for lien removal must be received from  
 1103 a nonrelated third party.

1104  
 1105 The provisions of this paragraph shall expire and be void on  
 1106 June 30, 2015.

1107           (u) "Rebuilding of an existing business" means replacement  
 1108 or restoration of real or tangible property destroyed or damaged  
 1109 in an emergency, as defined in paragraph (i), after July 1,  
 1110 1995, in an enterprise zone, by a business entity authorized to  
 1111 do business in this state as defined in paragraph (e), or a bank  
 1112 or savings and loan association as defined in s. 220.62, subject  
 1113 to the tax imposed by the provisions of this chapter, located in  
 1114 the enterprise zone. This paragraph expires on the date  
 1115 specified in s. 290.016 for the expiration of the Florida  
 1116 Enterprise Zone Act.

1117           (v) "Regulations" includes rules promulgated, and forms  
 1118 prescribed, by the department.

1119           (w) "Returns" includes declarations of estimated tax  
 1120 required under this code.



HB 1413

2012

1121 (x) "State," when applied to a jurisdiction other than  
 1122 Florida, means any state of the United States, the District of  
 1123 Columbia, the Commonwealth of Puerto Rico, any territory or  
 1124 possession of the United States, and any foreign country, or any  
 1125 political subdivision of any of the foregoing.

1126 (y) "Taxable year" means the calendar or fiscal year upon  
 1127 the basis of which net income is computed under this code,  
 1128 including, in the case of a return made for a fractional part of  
 1129 a year, the period for which such return is made.

1130 (z) "Taxpayer" means any corporation subject to the tax  
 1131 imposed by this code, and includes all corporations for which a  
 1132 consolidated return is filed under s. 220.131. However,  
 1133 "taxpayer" does not include a corporation having no individuals  
 1134 (including individuals employed by an affiliate) receiving  
 1135 compensation in this state as defined in s. 220.15 when the only  
 1136 property owned or leased by said corporation (including an  
 1137 affiliate) in this state is located at the premises of a printer  
 1138 with which it has contracted for printing, if such property  
 1139 consists of the final printed product, property which becomes a  
 1140 part of the final printed product, or property from which the  
 1141 printed product is produced.

1142 (aa) "Functionally related dividends" include the  
 1143 following types of dividends:

1144 1. Those received from a subsidiary of which the voting  
 1145 stock is more than 50 percent owned or controlled by the  
 1146 taxpayer or members of its affiliated group and which is engaged  
 1147 in the same general line of business.

1148 2. Those received from any corporation which is either a

HB 1413

2012

1149 significant source of supply for the taxpayer or its affiliated  
 1150 group or a significant purchaser of the output of the taxpayer  
 1151 or its affiliated group, or which sells a significant part of  
 1152 its output or obtains a significant part of its raw materials or  
 1153 input from the taxpayer or its affiliated group. "Significant"  
 1154 means an amount of 15 percent or more.

1155 3. Those resulting from the investment of working capital  
 1156 or some other purpose in furtherance of the taxpayer or its  
 1157 affiliated group.

1158  
 1159 However, dividends not otherwise subject to tax under this  
 1160 chapter are excluded.

1161 (bb) "Child care facility startup costs" means  
 1162 expenditures for substantial renovation, equipment, including  
 1163 playground equipment and kitchen appliances and cooking  
 1164 equipment, real property, including land and improvements, and  
 1165 for reduction of debt, made in connection with a child care  
 1166 facility as defined by s. 402.302, or any facility providing  
 1167 daily care to children who are mildly ill, which is located in  
 1168 this state on the taxpayer's premises and used by the employees  
 1169 of the taxpayer.

1170 (cc) "Operation of a child care facility" means operation  
 1171 of a child care facility as defined by s. 402.302, or any  
 1172 facility providing daily care to children who are mildly ill,  
 1173 which is located in this state within 5 miles of at least one  
 1174 place of business of the taxpayer and which is used by the  
 1175 employees of the taxpayer.

1176 (dd) "Citrus processing company" means a corporation

HB 1413

2012

1177 | which, during the 60-month period ending on December 31, 1997,  
 1178 | had derived more than 50 percent of its total gross receipts  
 1179 | from the processing of citrus products and the manufacture of  
 1180 | juices.

1181 | (ee) "New job has been created" means that, on the date of  
 1182 | application, the total number of full-time jobs is greater than  
 1183 | the total was 12 months prior to that date, as demonstrated to  
 1184 | the department by a business located in the enterprise zone.

1185 | (ff) "Job" means a full-time position, as consistent with  
 1186 | terms used by the Department of Economic Opportunity and the  
 1187 | United States Department of Labor for purposes of unemployment  
 1188 | compensation tax administration and employment estimation  
 1189 | resulting directly from business operations in this state. The  
 1190 | term may not include a temporary construction job involved with  
 1191 | the construction of facilities or any job that has previously  
 1192 | been included in any application for tax credits under s.  
 1193 | 212.096. The term also includes employment of an employee leased  
 1194 | from an employee leasing company licensed under chapter 468 if  
 1195 | the employee has been continuously leased to the employer for an  
 1196 | average of at least 36 hours per week for more than 6 months.

1197 | Section 29. For the purpose of incorporating the amendment  
 1198 | made by this act to section 290.016, Florida Statutes, in  
 1199 | references thereto, paragraph (a) of subsection (1) of section  
 1200 | 220.13, Florida Statutes, is reenacted to read:

1201 | 220.13 "Adjusted federal income" defined.—

1202 | (1) The term "adjusted federal income" means an amount  
 1203 | equal to the taxpayer's taxable income as defined in subsection  
 1204 | (2), or such taxable income of more than one taxpayer as

1205 provided in s. 220.131, for the taxable year, adjusted as  
 1206 follows:

1207 (a) Additions.—There shall be added to such taxable  
 1208 income:

1209 1. The amount of any tax upon or measured by income,  
 1210 excluding taxes based on gross receipts or revenues, paid or  
 1211 accrued as a liability to the District of Columbia or any state  
 1212 of the United States which is deductible from gross income in  
 1213 the computation of taxable income for the taxable year.

1214 2. The amount of interest which is excluded from taxable  
 1215 income under s. 103(a) of the Internal Revenue Code or any other  
 1216 federal law, less the associated expenses disallowed in the  
 1217 computation of taxable income under s. 265 of the Internal  
 1218 Revenue Code or any other law, excluding 60 percent of any  
 1219 amounts included in alternative minimum taxable income, as  
 1220 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
 1221 taxpayer pays tax under s. 220.11(3).

1222 3. In the case of a regulated investment company or real  
 1223 estate investment trust, an amount equal to the excess of the  
 1224 net long-term capital gain for the taxable year over the amount  
 1225 of the capital gain dividends attributable to the taxable year.

1226 4. That portion of the wages or salaries paid or incurred  
 1227 for the taxable year which is equal to the amount of the credit  
 1228 allowable for the taxable year under s. 220.181. This  
 1229 subparagraph shall expire on the date specified in s. 290.016  
 1230 for the expiration of the Florida Enterprise Zone Act.

1231 5. That portion of the ad valorem school taxes paid or  
 1232 incurred for the taxable year which is equal to the amount of

HB 1413

2012

1233 the credit allowable for the taxable year under s. 220.182. This  
 1234 subparagraph shall expire on the date specified in s. 290.016  
 1235 for the expiration of the Florida Enterprise Zone Act.

1236 6. The amount taken as a credit under s. 220.195 which is  
 1237 deductible from gross income in the computation of taxable  
 1238 income for the taxable year.

1239 7. That portion of assessments to fund a guaranty  
 1240 association incurred for the taxable year which is equal to the  
 1241 amount of the credit allowable for the taxable year.

1242 8. In the case of a nonprofit corporation which holds a  
 1243 pari-mutuel permit and which is exempt from federal income tax  
 1244 as a farmers' cooperative, an amount equal to the excess of the  
 1245 gross income attributable to the pari-mutuel operations over the  
 1246 attributable expenses for the taxable year.

1247 9. The amount taken as a credit for the taxable year under  
 1248 s. 220.1895.

1249 10. Up to nine percent of the eligible basis of any  
 1250 designated project which is equal to the credit allowable for  
 1251 the taxable year under s. 220.185.

1252 11. The amount taken as a credit for the taxable year  
 1253 under s. 220.1875. The addition in this subparagraph is intended  
 1254 to ensure that the same amount is not allowed for the tax  
 1255 purposes of this state as both a deduction from income and a  
 1256 credit against the tax. This addition is not intended to result  
 1257 in adding the same expense back to income more than once.

1258 12. The amount taken as a credit for the taxable year  
 1259 under s. 220.192.

1260 13. The amount taken as a credit for the taxable year

1261 under s. 220.193.

1262 14. Any portion of a qualified investment, as defined in  
 1263 s. 288.9913, which is claimed as a deduction by the taxpayer and  
 1264 taken as a credit against income tax pursuant to s. 288.9916.

1265 15. The costs to acquire a tax credit pursuant to s.  
 1266 288.1254(5) that are deducted from or otherwise reduce federal  
 1267 taxable income for the taxable year.

1268 16. The amount taken as a credit for the taxable year  
 1269 pursuant to s. 220.194.

1270 17. The amount taken as a credit for the taxable year  
 1271 under s. 220.196. The addition in this subparagraph is intended  
 1272 to ensure that the same amount is not allowed for the tax  
 1273 purposes of this state as both a deduction from income and a  
 1274 credit against the tax. The addition is not intended to result  
 1275 in adding the same expense back to income more than once.

1276 Section 30. For the purpose of incorporating the amendment  
 1277 made by this act to section 290.016, Florida Statutes, in a  
 1278 reference thereto, subsection (9) of section 220.181, Florida  
 1279 Statutes, is reenacted to read:

1280 220.181 Enterprise zone jobs credit.—

1281 (9) This section, except paragraph (1)(c) and subsection  
 1282 (8), expires on the date specified in s. 290.016 for the  
 1283 expiration of the Florida Enterprise Zone Act, and a business  
 1284 may not begin claiming the enterprise zone jobs credit after  
 1285 that date; however, the expiration of this section does not  
 1286 affect the operation of any credit for which a business has  
 1287 qualified under this section before that date, or any  
 1288 carryforward of unused credit amounts as provided in paragraph

HB 1413

2012

1289 (1) (c) .

1290 Section 31. For the purpose of incorporating the amendment  
 1291 made by this act to section 290.016, Florida Statutes, in a  
 1292 reference thereto, subsection (14) of section 220.182, Florida  
 1293 Statutes, is reenacted to read:

1294 220.182 Enterprise zone property tax credit.—

1295 (14) This section expires on the date specified in s.  
 1296 290.016 for the expiration of the Florida Enterprise Zone Act,  
 1297 and a business may not begin claiming the enterprise zone  
 1298 property tax credit after that date; however, the expiration of  
 1299 this section does not affect the operation of any credit for  
 1300 which a business has qualified under this section before that  
 1301 date, or any carryforward of unused credit amounts as provided  
 1302 in paragraph (1) (b) .

1303 Section 32. This act shall take effect July 1, 2012.