

By Senator Garcia

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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.
29 290.213, F.S.; establishing enterprise program zone

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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

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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:

85

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

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88 290.201 Short title.—Sections 290.201-290.219 may be cited
89 as the “Urban Job Creation Investment Act.”

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

92 290.203 Definitions.—As used in ss. 290.201-290.219, the
93 term:

94 (1) “Authority” means the Florida Urban Investment Job
95 Creation Authority created under s. 290.205.

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

101 (3) “Business” has the same meaning as provided in s.
102 212.02.

103 (4) “Emergency” means occurrence of widespread or severe
104 damage, injury, or loss of life or property proclaimed under s.
105 14.022 or declared under s. 252.36.

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

109 (6) “Enterprise program zone assistance fund” means a
110 program that provides loans, loan guarantees, loan-loss
111 reserves, or investments for projects of qualified businesses as
112 provided in s. 290.213.

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

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117 business.

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

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

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

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

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

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

137 (14) "Rebuilding of an existing business" means replacement
138 or restoration of real or tangible property destroyed or damaged
139 during an emergency in an enterprise program zone by a business
140 located in the zone.

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

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

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146 290.205 Florida Urban Investment Job Creation Authority;
147 creation; membership and duties.-

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

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

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

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

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

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

173 (f) One member appointed by the President of the Senate and
174 one member appointed by the Speaker of the House of

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175 Representatives, both of whom must have training and experience
176 in local government, finance, economic development, or
177 redevelopment or participate in volunteer, civic, or community
178 organizations.

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

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

184 (4) The authority shall:

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

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

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

194 (d) By February 15 of each year, submit an annual report to
195 the Governor, the President of the Senate, the Speaker of the
196 House of Representatives, and the department on the authority's
197 activities for the previous fiscal year. The report must include
198 a complete financial statement setting forth the authority's
199 assets, liabilities, income, and operating expenses as of the
200 end of the fiscal year.

201 (5) One year after the designation of the enterprise
202 program zones under s. 290.209, the authority shall prepare a
203 fiscal impact study of each enterprise program zone. The report

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

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

219 290.207 Zone development corporations; creation; board of
220 directors; membership.-

221 (1) A zone development corporation shall be created within
222 each legacy enterprise zone and federally designated empowerment
223 zone in the state. Each zone development corporation shall be
224 organized as a corporation not for profit.

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

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

231 (b) Two business or community leaders who reside in, or
232 whose principal place of business is located in, the enterprise

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233 program zone or, for initial members, in the legacy enterprise
234 zone or federally designated empowerment zone, one of whom shall
235 be appointed by the President of the Senate and one of whom
236 shall be appointed by the Speaker of the House of
237 Representatives.

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

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

248 (3) (a) Board members shall be appointed to terms of 4
249 years, except that members appointed by the President of the
250 Senate and the Speaker of the House of Representatives shall be
251 appointed to terms of 2 years. A vacancy of the unexpired
252 portion of a member's term shall be filled in the same manner as
253 the original appointment. Each board member shall hold office
254 until his or her successor is appointed and qualified, unless
255 the member ceases to be qualified or is removed from office.

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

260 (c) Board members shall serve without compensation but are
261 entitled to reimbursement for per diem and travel expenses as

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262 provided in s. 112.061.

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

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

275 (5) Each zone development corporation shall:

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

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

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

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

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

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

306 (c) Each zone development corporation shall annually submit
307 a report to the authority accounting for the expenditure of
308 enterprise program zone assistance funds.

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

311 290.209 Designation of enterprise program zones.—

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

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

318 (a) An economic report prepared by the corporation for the
319 respective enterprise program zone. The report must include

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320 current census data and other economic indicators that identify
321 the most economically distressed areas in the legacy enterprise
322 zone or federally designated empowerment zone.

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

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

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

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

332 (4) A zone development corporation may periodically apply
333 to the authority for amendment of the enterprise program zone's
334 boundary. The application must be based on a revised economic
335 report and recommendations submitted to the authority in the
336 same manner as provided under paragraphs (2) (a) and (b) for the
337 initial boundary. Before amending the boundary, the authority
338 must consider the factors described in paragraphs (3) (a) and (b)
339 and the historical boundary of the enterprise program zone.

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

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

345 290.211 Qualified businesses.—

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

348 (a) The business is authorized to transact business in the

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349 state.

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

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

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

357 1. Reside in the enterprise program zone;

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

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

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

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

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

373 290.213 Enterprise program zone assistance funds.—

374 (1) (a) Effective July 1, 2013, and subject to legislative
375 appropriations, each zone development corporation shall
376 administer a separate assistance fund to provide loans, loan
377 guarantees, loan-loss reserves, and investments for projects of

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378 qualified businesses located in the corporation's enterprise
379 program zone.

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

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

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

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

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

406 (3) A zone development corporation shall use any loan

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407 repayments and collected interest to provide additional
408 assistance to qualified businesses for projects under this
409 section.

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

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

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

422 290.215 State incentives available for enterprise program
423 zones; tax increment financing.-

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

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

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

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

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

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

443 (3) (a) By June 1 of each year, the authority, in
444 consultation with the department and the Department of Revenue,
445 shall calculate the maximum aggregate amount of state incentives
446 described in paragraphs (1) (a)-(c) which are available for each
447 enterprise program zone for the following fiscal year. Such
448 maximum amount may not exceed the aggregate amount of the sales
449 and use tax collections from all businesses in the enterprise
450 program zone during the previous fiscal year which exceed the
451 tax floor established for the enterprise program zone pursuant
452 to subsection (2).

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

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

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

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

472 290.217 Review of enterprise program zones.-

473 (1) By January 15, 2022, the Office of Program Policy
474 Analysis and Government Accountability shall submit a report to
475 the Governor, the President of the Senate, and the Speaker of
476 the House of Representatives of its findings and recommendations
477 on the Urban Job Creation Investment Act. The report shall
478 review and evaluate the effectiveness of each enterprise program
479 zone using the annual fiscal reports prepared by the authority
480 under s. 290.205(5). The report shall also evaluate whether the
481 state incentives provided to businesses in each enterprise
482 program zone caused or contributed to:

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

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

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

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

492 (2) Before the 2022 Regular Session of the Legislature, the
493 appropriate committees of the Senate and House of

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494 Representatives shall consider legislation to implement the
495 report's recommendations.

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

498 290.219 Expiration.—

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

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

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

506 212.0965 Sales, rental, storage, use tax; enterprise
507 program zone credit against sales tax.—

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

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

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

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

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523 under s. 290.207.

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

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

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

548 (e) If the Florida Urban Investment Job Creation Authority
549 finds that the applicant does not meet the requirements of s.
550 290.211, it shall notify the applicant and the zone development
551 corporation that the application for certification is denied and

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552 the reasons for denial. The Florida Urban Investment Job
553 Creation Authority has final approval authority for
554 certification under this section.

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

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

560 220.1815 Enterprise program zone tax credits.—

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

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

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

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

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581 with the department.

582 (b) When claiming a tax credit under paragraph (1)(b), the
583 application must include a statement, filed under oath with the
584 zone development corporation, which includes for each new
585 employee for whom the credit is claimed, the employee's name and
586 residential address during the taxable year and, if applicable,
587 documentation that the employee received temporary cash
588 assistance or was totally unemployed for at least 90 days before
589 employment by the qualified business.

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

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

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

608 (3) If a tax credit certified under this section is not
609 fully used in any one year, the unused amount may be carried

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610 forward for a period not to exceed 5 years. The carryover credit
611 may be used in a subsequent year when the tax imposed by this
612 chapter for such year exceeds the credit for such year after
613 applying the other credits and unused credit carryovers in the
614 order provided in s. 220.02(8).

615 (4) This section expires on the date specified in s.
616 290.219 for the expiration of the Urban Job Creation Investment
617 Act.

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

620 220.02 Legislative intent.—

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

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

637 443.1217 Wages.—

638 (2) For the purpose of determining an employer's

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639 contributions, the following wages are exempt from this chapter:

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

643 Section 15. Section 290.016, Florida Statutes, is amended
644 to read:

645 290.016 Repeal.—Sections 290.001-290.014 are repealed June
646 30, 2013 ~~December 31, 2015~~.

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

651 166.231 Municipalities; public service tax.—

652 (8)

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

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

663 193.077 Notice of new, rebuilt, or expanded property.—

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

666 Section 18. For the purpose of incorporating the amendment
667 made by this act to section 290.016, Florida Statutes, in a

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668 reference thereto, paragraph (b) of subsection (5) of section
669 193.085, Florida Statutes, is reenacted to read:

670 193.085 Listing all property.—

671 (5)

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

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

678 195.073 Classification of property.—All items required by
679 law to be on the assessment rolls must receive a classification
680 based upon the use of the property. The department shall
681 promulgate uniform definitions for all classifications. The
682 department may designate other subclassifications of property.
683 No assessment roll may be approved by the department which does
684 not show proper classifications.

685 (4)

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

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

692 195.099 Periodic review.—

693 (1)

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

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

701 196.012 Definitions.—For the purpose of this chapter, the
702 following terms are defined as follows, except where the context
703 clearly indicates otherwise:

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

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

712 205.022 Definitions.—When used in this chapter, the
713 following terms and phrases shall have the meanings ascribed to
714 them in this section, except when the context clearly indicates
715 a different meaning:

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

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

724 205.054 Business tax; partial exemption for engaging in
725 business or occupation in enterprise zone.—

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726 (6) This section expires on the date specified in s.
727 290.016 for the expiration of the Florida Enterprise Zone Act;
728 and a receipt may not be issued with the exemption authorized in
729 this section for any period beginning on or after that date.

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

734 212.02 Definitions.—The following terms and phrases when
735 used in this chapter have the meanings ascribed to them in this
736 section, except where the context clearly indicates a different
737 meaning:

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

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

746 212.08 Sales, rental, use, consumption, distribution, and
747 storage tax; specified exemptions.—The sale at retail, the
748 rental, the use, the consumption, the distribution, and the
749 storage to be used or consumed in this state of the following
750 are hereby specifically exempt from the tax imposed by this
751 chapter.

752 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

774 a. The name and address of the person claiming the refund.

775 b. An address and assessment roll parcel number of the
776 rehabilitated real property for which a refund of previously
777 paid taxes is being sought.

778 c. A description of the improvements made to accomplish the
779 rehabilitation of the real property.

780 d. A copy of a valid building permit issued by the county
781 or municipal building department for the rehabilitation of the
782 real property.

783 e. A sworn statement, under penalty of perjury, from the

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

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

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

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

810 i. If applicable, the name and address of each permanent
811 employee of the business, including, for each employee who is a
812 resident of an enterprise zone, the identifying number assigned

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813 pursuant to s. 290.0065 to the enterprise zone in which the
814 employee resides.

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

832 3. Within 10 working days after receipt of an application,
833 the governing body or enterprise zone development agency shall
834 review the application to determine if it contains all the
835 information required by subparagraph 1. or subparagraph 2. and
836 meets the criteria set out in this paragraph. The governing body
837 or agency shall certify all applications that contain the
838 required information and are eligible to receive a refund. If
839 applicable, the governing body or agency shall also certify if
840 20 percent of the employees of the business are residents of an
841 enterprise zone, excluding temporary and part-time employees.

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842 The certification must be in writing, and a copy of the
843 certification shall be transmitted to the executive director of
844 the department. The applicant is responsible for forwarding a
845 certified application to the department within the time
846 specified in subparagraph 4.

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

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

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

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871 for exemption under this paragraph.

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

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

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

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

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

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

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

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

896 212.096 Sales, rental, storage, use tax; enterprise zone
897 jobs credit against sales tax.—

898 (12) This section, except for subsection (11), expires on
899 the date specified in s. 290.016 for the expiration of the

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900 Florida Enterprise Zone Act.

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

906 220.02 Legislative intent.—

907 (6)

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

910 (7)

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

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

917 220.03 Definitions.—

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

922 (a) "Ad valorem taxes paid" means 96 percent of property
923 taxes levied for operating purposes and does not include
924 interest, penalties, or discounts foregone. In addition, the
925 term "ad valorem taxes paid," for purposes of the credit in s.
926 220.182, means the ad valorem tax paid on new or additional real
927 or personal property acquired to establish a new business or
928 facilitate a business expansion, including pollution and waste

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929 control facilities, or any part thereof, and including one or
930 more buildings or other structures, machinery, fixtures, and
931 equipment. This paragraph expires on the date specified in s.
932 290.016 for the expiration of the Florida Enterprise Zone Act.

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

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

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

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

950
951 This paragraph expires on the date specified in s. 290.016 for
952 the expiration of the Florida Enterprise Zone Act.

953 (e) "Corporation" includes all domestic corporations;
954 foreign corporations qualified to do business in this state or
955 actually doing business in this state; joint-stock companies;
956 limited liability companies, under chapter 608; common-law
957 declarations of trust, under chapter 609; corporations not for

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

974 (f) "Department" means the Department of Revenue of this
975 state.

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

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

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

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987 of the Florida Enterprise Zone Act.

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

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

1003 (l) "Fiscal year" means an accounting period of 12 months
1004 or less ending on the last day of any month other than December
1005 or, in the case of a taxpayer with an annual accounting period
1006 of 52-53 weeks under s. 441(f) of the Internal Revenue Code, the
1007 period determined under that subsection.

1008 (m) "Includes" or "including," when used in a definition
1009 contained in this code, shall not be deemed to exclude other
1010 things otherwise within the meaning of the term defined.

1011 (n) "Internal Revenue Code" means the United States
1012 Internal Revenue Code of 1986, as amended and in effect on
1013 January 1, 2011, except as provided in subsection (3).

1014 (o) "Local government" means any county or incorporated
1015 municipality in the state. This paragraph expires on the date

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1016 specified in s. 290.016 for the expiration of the Florida
1017 Enterprise Zone Act.

1018 (p) "New business," for the purposes of the enterprise zone
1019 property tax credit, means any business entity authorized to do
1020 business in this state as defined in paragraph (e), or any bank
1021 or savings and loan association as defined in s. 220.62, subject
1022 to the tax imposed by the provisions of this chapter, first
1023 beginning operations on a site located in an enterprise zone and
1024 clearly separate from any other commercial or industrial
1025 operations owned by the same entity, bank, or savings and loan
1026 association and which establishes five or more new jobs to
1027 employ five or more additional full-time employees at such
1028 location. This paragraph expires on the date specified in s.
1029 290.016 for the expiration of the Florida Enterprise Zone Act.

1030 (q) "New employee," for the purposes of the enterprise zone
1031 jobs credit, means a person residing in an enterprise zone or a
1032 participant in the welfare transition program who is employed at
1033 a business located in an enterprise zone who begins employment
1034 in the operations of the business after July 1, 1995, and who
1035 has not been previously employed full time within the preceding
1036 12 months by the business or a successor business claiming the
1037 credit pursuant to s. 220.181. A person shall be deemed to be
1038 employed by such a business if the person performs duties in
1039 connection with the operations of the business on a full-time
1040 basis, provided she or he is performing such duties for an
1041 average of at least 36 hours per week each month. The person
1042 must be performing such duties at a business site located in an
1043 enterprise zone. This paragraph expires on the date specified in
1044 s. 290.016 for the expiration of the Florida Enterprise Zone

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1045 Act.

1046 (r) "Nonbusiness income" means rents and royalties from
1047 real or tangible personal property, capital gains, interest,
1048 dividends, and patent and copyright royalties, to the extent
1049 that they do not arise from transactions and activities in the
1050 regular course of the taxpayer's trade or business. The term
1051 "nonbusiness income" does not include income from tangible and
1052 intangible property if the acquisition, management, and
1053 disposition of the property constitute integral parts of the
1054 taxpayer's regular trade or business operations, or any amounts
1055 which could be included in apportionable income without
1056 violating the due process clause of the United States
1057 Constitution. For purposes of this definition, "income" means
1058 gross receipts less all expenses directly or indirectly
1059 attributable thereto. Functionally related dividends are
1060 presumed to be business income.

1061 (s) "Partnership" includes a syndicate, group, pool, joint
1062 venture, or other unincorporated organization through or by
1063 means of which any business, financial operation, or venture is
1064 carried on, including a limited partnership; and the term
1065 "partner" includes a member having a capital or a profits
1066 interest in a partnership.

1067 (t) "Project" means any activity undertaken by an eligible
1068 sponsor, as defined in s. 220.183(2)(c), which is designed to
1069 construct, improve, or substantially rehabilitate housing that
1070 is affordable to low-income or very-low-income households as
1071 defined in s. 420.9071(19) and (28); designed to provide
1072 commercial, industrial, or public resources and facilities; or
1073 designed to improve entrepreneurial and job-development

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1074 opportunities for low-income persons. A project may be the
1075 investment necessary to increase access to high-speed broadband
1076 capability in rural communities with enterprise zones, including
1077 projects that result in improvements to communications assets
1078 that are owned by a business. A project may include the
1079 provision of museum educational programs and materials that are
1080 directly related to any project approved between January 1,
1081 1996, and December 31, 1999, and located in an enterprise zone
1082 designated pursuant to s. 290.0065. This paragraph does not
1083 preclude projects that propose to construct or rehabilitate low-
1084 income or very-low-income housing on scattered sites. With
1085 respect to housing, contributions may be used to pay the
1086 following eligible project-related activities:

- 1087 1. Project development, impact, and management fees for
1088 low-income or very-low-income housing projects;
- 1089 2. Down payment and closing costs for eligible persons, as
1090 defined in s. 420.9071(19) and (28);
- 1091 3. Administrative costs, including housing counseling and
1092 marketing fees, not to exceed 10 percent of the community
1093 contribution, directly related to low-income or very-low-income
1094 projects; and
- 1095 4. Removal of liens recorded against residential property
1096 by municipal, county, or special-district local governments when
1097 satisfaction of the lien is a necessary precedent to the
1098 transfer of the property to an eligible person, as defined in s.
1099 420.9071(19) and (28), for the purpose of promoting home
1100 ownership. Contributions for lien removal must be received from
1101 a nonrelated third party.

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1103 The provisions of this paragraph shall expire and be void on
1104 June 30, 2015.

1105 (u) "Rebuilding of an existing business" means replacement
1106 or restoration of real or tangible property destroyed or damaged
1107 in an emergency, as defined in paragraph (i), after July 1,
1108 1995, in an enterprise zone, by a business entity authorized to
1109 do business in this state as defined in paragraph (e), or a bank
1110 or savings and loan association as defined in s. 220.62, subject
1111 to the tax imposed by the provisions of this chapter, located in
1112 the enterprise zone. This paragraph expires on the date
1113 specified in s. 290.016 for the expiration of the Florida
1114 Enterprise Zone Act.

1115 (v) "Regulations" includes rules promulgated, and forms
1116 prescribed, by the department.

1117 (w) "Returns" includes declarations of estimated tax
1118 required under this code.

1119 (x) "State," when applied to a jurisdiction other than
1120 Florida, means any state of the United States, the District of
1121 Columbia, the Commonwealth of Puerto Rico, any territory or
1122 possession of the United States, and any foreign country, or any
1123 political subdivision of any of the foregoing.

1124 (y) "Taxable year" means the calendar or fiscal year upon
1125 the basis of which net income is computed under this code,
1126 including, in the case of a return made for a fractional part of
1127 a year, the period for which such return is made.

1128 (z) "Taxpayer" means any corporation subject to the tax
1129 imposed by this code, and includes all corporations for which a
1130 consolidated return is filed under s. 220.131. However,
1131 "taxpayer" does not include a corporation having no individuals

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1132 (including individuals employed by an affiliate) receiving
1133 compensation in this state as defined in s. 220.15 when the only
1134 property owned or leased by said corporation (including an
1135 affiliate) in this state is located at the premises of a printer
1136 with which it has contracted for printing, if such property
1137 consists of the final printed product, property which becomes a
1138 part of the final printed product, or property from which the
1139 printed product is produced.

1140 (aa) "Functionally related dividends" include the following
1141 types of dividends:

1142 1. Those received from a subsidiary of which the voting
1143 stock is more than 50 percent owned or controlled by the
1144 taxpayer or members of its affiliated group and which is engaged
1145 in the same general line of business.

1146 2. Those received from any corporation which is either a
1147 significant source of supply for the taxpayer or its affiliated
1148 group or a significant purchaser of the output of the taxpayer
1149 or its affiliated group, or which sells a significant part of
1150 its output or obtains a significant part of its raw materials or
1151 input from the taxpayer or its affiliated group. "Significant"
1152 means an amount of 15 percent or more.

1153 3. Those resulting from the investment of working capital
1154 or some other purpose in furtherance of the taxpayer or its
1155 affiliated group.

1156
1157 However, dividends not otherwise subject to tax under this
1158 chapter are excluded.

1159 (bb) "Child care facility startup costs" means expenditures
1160 for substantial renovation, equipment, including playground

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1161 equipment and kitchen appliances and cooking equipment, real
1162 property, including land and improvements, and for reduction of
1163 debt, made in connection with a child care facility as defined
1164 by s. 402.302, or any facility providing daily care to children
1165 who are mildly ill, which is located in this state on the
1166 taxpayer's premises and used by the employees of the taxpayer.

1167 (cc) "Operation of a child care facility" means operation
1168 of a child care facility as defined by s. 402.302, or any
1169 facility providing daily care to children who are mildly ill,
1170 which is located in this state within 5 miles of at least one
1171 place of business of the taxpayer and which is used by the
1172 employees of the taxpayer.

1173 (dd) "Citrus processing company" means a corporation which,
1174 during the 60-month period ending on December 31, 1997, had
1175 derived more than 50 percent of its total gross receipts from
1176 the processing of citrus products and the manufacture of juices.

1177 (ee) "New job has been created" means that, on the date of
1178 application, the total number of full-time jobs is greater than
1179 the total was 12 months prior to that date, as demonstrated to
1180 the department by a business located in the enterprise zone.

1181 (ff) "Job" means a full-time position, as consistent with
1182 terms used by the Department of Economic Opportunity and the
1183 United States Department of Labor for purposes of unemployment
1184 compensation tax administration and employment estimation
1185 resulting directly from business operations in this state. The
1186 term may not include a temporary construction job involved with
1187 the construction of facilities or any job that has previously
1188 been included in any application for tax credits under s.
1189 212.096. The term also includes employment of an employee leased

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1190 from an employee leasing company licensed under chapter 468 if
1191 the employee has been continuously leased to the employer for an
1192 average of at least 36 hours per week for more than 6 months.

1193 Section 29. For the purpose of incorporating the amendment
1194 made by this act to section 290.016, Florida Statutes, in
1195 references thereto, paragraph (a) of subsection (1) of section
1196 220.13, Florida Statutes, is reenacted to read:

1197 220.13 "Adjusted federal income" defined.—

1198 (1) The term "adjusted federal income" means an amount
1199 equal to the taxpayer's taxable income as defined in subsection
1200 (2), or such taxable income of more than one taxpayer as
1201 provided in s. 220.131, for the taxable year, adjusted as
1202 follows:

1203 (a) *Additions*.—There shall be added to such taxable income:

1204 1. The amount of any tax upon or measured by income,
1205 excluding taxes based on gross receipts or revenues, paid or
1206 accrued as a liability to the District of Columbia or any state
1207 of the United States which is deductible from gross income in
1208 the computation of taxable income for the taxable year.

1209 2. The amount of interest which is excluded from taxable
1210 income under s. 103(a) of the Internal Revenue Code or any other
1211 federal law, less the associated expenses disallowed in the
1212 computation of taxable income under s. 265 of the Internal
1213 Revenue Code or any other law, excluding 60 percent of any
1214 amounts included in alternative minimum taxable income, as
1215 defined in s. 55(b)(2) of the Internal Revenue Code, if the
1216 taxpayer pays tax under s. 220.11(3).

1217 3. In the case of a regulated investment company or real
1218 estate investment trust, an amount equal to the excess of the

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1219 net long-term capital gain for the taxable year over the amount
1220 of the capital gain dividends attributable to the taxable year.

1221 4. That portion of the wages or salaries paid or incurred
1222 for the taxable year which is equal to the amount of the credit
1223 allowable for the taxable year under s. 220.181. This
1224 subparagraph shall expire on the date specified in s. 290.016
1225 for the expiration of the Florida Enterprise Zone Act.

1226 5. That portion of the ad valorem school taxes paid or
1227 incurred for the taxable year which is equal to the amount of
1228 the credit allowable for the taxable year under s. 220.182. This
1229 subparagraph shall expire on the date specified in s. 290.016
1230 for the expiration of the Florida Enterprise Zone Act.

1231 6. The amount taken as a credit under s. 220.195 which is
1232 deductible from gross income in the computation of taxable
1233 income for the taxable year.

1234 7. That portion of assessments to fund a guaranty
1235 association incurred for the taxable year which is equal to the
1236 amount of the credit allowable for the taxable year.

1237 8. In the case of a nonprofit corporation which holds a
1238 pari-mutuel permit and which is exempt from federal income tax
1239 as a farmers' cooperative, an amount equal to the excess of the
1240 gross income attributable to the pari-mutuel operations over the
1241 attributable expenses for the taxable year.

1242 9. The amount taken as a credit for the taxable year under
1243 s. 220.1895.

1244 10. Up to nine percent of the eligible basis of any
1245 designated project which is equal to the credit allowable for
1246 the taxable year under s. 220.185.

1247 11. The amount taken as a credit for the taxable year under

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1248 s. 220.1875. The addition in this subparagraph is intended to
1249 ensure that the same amount is not allowed for the tax purposes
1250 of this state as both a deduction from income and a credit
1251 against the tax. This addition is not intended to result in
1252 adding the same expense back to income more than once.

1253 12. The amount taken as a credit for the taxable year under
1254 s. 220.192.

1255 13. The amount taken as a credit for the taxable year under
1256 s. 220.193.

1257 14. Any portion of a qualified investment, as defined in s.
1258 288.9913, which is claimed as a deduction by the taxpayer and
1259 taken as a credit against income tax pursuant to s. 288.9916.

1260 15. The costs to acquire a tax credit pursuant to s.
1261 288.1254(5) that are deducted from or otherwise reduce federal
1262 taxable income for the taxable year.

1263 16. The amount taken as a credit for the taxable year
1264 pursuant to s. 220.194.

1265 17. The amount taken as a credit for the taxable year under
1266 s. 220.196. The addition in this subparagraph is intended to
1267 ensure that the same amount is not allowed for the tax purposes
1268 of this state as both a deduction from income and a credit
1269 against the tax. The addition is not intended to result in
1270 adding the same expense back to income more than once.

1271 Section 30. For the purpose of incorporating the amendment
1272 made by this act to section 290.016, Florida Statutes, in a
1273 reference thereto, subsection (9) of section 220.181, Florida
1274 Statutes, is reenacted to read:

1275 220.181 Enterprise zone jobs credit.—

1276 (9) This section, except paragraph (1)(c) and subsection

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1277 (8), expires on the date specified in s. 290.016 for the
1278 expiration of the Florida Enterprise Zone Act, and a business
1279 may not begin claiming the enterprise zone jobs credit after
1280 that date; however, the expiration of this section does not
1281 affect the operation of any credit for which a business has
1282 qualified under this section before that date, or any
1283 carryforward of unused credit amounts as provided in paragraph
1284 (1) (c).

1285 Section 31. For the purpose of incorporating the amendment
1286 made by this act to section 290.016, Florida Statutes, in a
1287 reference thereto, subsection (14) of section 220.182, Florida
1288 Statutes, is reenacted to read:

1289 220.182 Enterprise zone property tax credit.—

1290 (14) This section expires on the date specified in s.
1291 290.016 for the expiration of the Florida Enterprise Zone Act,
1292 and a business may not begin claiming the enterprise zone
1293 property tax credit after that date; however, the expiration of
1294 this section does not affect the operation of any credit for
1295 which a business has qualified under this section before that
1296 date, or any carryforward of unused credit amounts as provided
1297 in paragraph (1) (b).

1298 Section 32. This act shall take effect July 1, 2012.