

1                                   A bill to be entitled  
2           An act relating to reporting requirements for economic  
3           development programs; creating s. 288.076, F.S.;  
4           providing definitions; requiring the Department of  
5           Economic Opportunity to publish on a website specified  
6           information concerning state investment in economic  
7           development programs; providing procedures and  
8           requirements for reviewing, updating, and  
9           supplementing the published information; requiring the  
10          department to publish at specified dates twice per  
11          year a timeline demonstrating the progress of Quick  
12          Action Closing Fund projects; requiring the department  
13          to publish certain confidential information pertaining  
14          to beneficiary businesses upon expiration of a  
15          specified confidentiality period; requiring the  
16          department to publish certain reports concerning  
17          businesses that fail to complete tax refund agreements  
18          under the tax refund program for qualified target  
19          industry businesses; requiring the department to  
20          provide beneficiary businesses with the opportunity to  
21          delay publication of information; providing penalties;  
22          providing for construction and legislative intent;  
23          requiring the Office of Economic and Demographic  
24          Research to annually establish a methodology and  
25          formulas for specified calculations to be performed by  
26          the department; authorizing the department to adopt  
27          rules; amending s. 288.075, F.S.; limiting  
28          applicability of an exemption from public records

29 requirements to allow an economic development agency  
 30 to disclose certain information pertaining to taxes  
 31 paid by businesses participating in economic incentive  
 32 programs; providing an effective date.

33  
 34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. Section 288.076, Florida Statutes, is created  
 37 to read:

38 288.076 Return on investment reporting for economic  
 39 development programs.-

40 (1) As used in this section, the term:

41 (a) "Beneficiary business" means a corporation,  
 42 partnership, or person participating in a program administered  
 43 by the department that has entered into an agreement with an  
 44 economic development agency to receive a state investment.

45 (b) "Project" means any business undertaking by a  
 46 beneficiary business.

47 (c) "Project award date" means the earlier of either the  
 48 date a beneficiary business enters into an agreement with an  
 49 economic development agency to receive a state investment, or  
 50 the date an economic development agency awards a state  
 51 investment to a beneficiary business, whether payable  
 52 immediately, payable in the future, or payable upon satisfaction  
 53 of agreed upon conditions.

54 (d) "State investment" means any state grants, tax  
 55 exemptions, tax refunds, tax credits, or other state incentives  
 56 provided to a business under a program administered by the

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57 | department, including the capital investment tax credit under s.  
58 | 220.191.

59 | (2) The department shall maintain a website for the  
60 | purpose of publishing the information described in this section.  
61 | The information required to be published under this section must  
62 | be provided in a format accessible to the public which enables  
63 | users to search for and sort specific data and to easily view  
64 | and retrieve all data at once. Where specific identifying  
65 | information is temporarily withheld, such as the name of a  
66 | beneficiary business, the department shall assign a unique code  
67 | in order to enable the public to properly track information  
68 | pertaining to the business.

69 | (3) Within 48 hours after each project award date, the  
70 | department shall collect and publish the following information  
71 | pertaining to each project:

72 | (a) General information.—

73 | 1. The program or programs through which state investment  
74 | is being made.

75 | 2. The maximum potential value of the state investment in  
76 | the project.

77 | 3. The target industry or industries, and any high impact  
78 | sectors implicated by the project.

79 | 4. The county or counties that will be substantially  
80 | impacted by the project.

81 | 5. The total value of local financial commitment and  
82 | support for the project.

83 | (b) Beneficiary business information.—

84 | 1. The location of the beneficiary business's headquarters

85 or, if a subsidiary, the headquarters of the parent company.

86 2. The number of permanent full-time employees employed by  
 87 the beneficiary business, including, where applicable, the  
 88 number of permanent full-time employees employed by the parent  
 89 company, and whether the beneficiary business qualifies as a  
 90 small business as defined in s. 288.703.

91 3. The North American Industry Classification System  
 92 classifications of the type of business activities or products  
 93 directly generated by the project.

94 4. The date of the project award date.

95 5. The expected duration of the project.

96 6. The anticipated date when the beneficiary business will  
 97 claim the last state investment.

98 (c) Project performance goals.-

99 1. The incremental direct jobs attributable to the  
 100 project, identifying the number of jobs to be generated and the  
 101 number of jobs to be retained by the project, and the lowest  
 102 annual wage, highest annual wage, and median annual wage of  
 103 persons holding such jobs.

104 2. The net indirect and induced incremental jobs in the  
 105 state to be generated by the project, including the lowest  
 106 annual wage, highest annual wage, and median annual wage of  
 107 persons holding such jobs, and a brief but specific description  
 108 of the methodology used to perform this calculation, including  
 109 whether and how multipliers were used.

110 3. The incremental direct capital investment in the state  
 111 to be generated by the project.

112 4. The net indirect and induced incremental capital

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113 investment in the state to be generated by the project, and a  
114 brief but specific description of the methodology used to  
115 perform this calculation, including whether and how multipliers  
116 were used.

117 5. The incremental direct tax revenue to the state to be  
118 paid by the beneficiary business to the state.

119 6. The net indirect and induced incremental tax revenue  
120 paid to the state to be generated by the project, and a brief  
121 but specific description of the methodology used to perform this  
122 calculation, including whether and how multipliers were used.

123 (4) On June 30 and December 31 of each year, the  
124 department shall:

125 (a) Amend the information collected and published on its  
126 website pursuant to paragraphs (3) (a) and (3) (b) to accurately  
127 reflect any changes in the published information since the  
128 project award date.

129 (b) Publish on its website the total value of state  
130 investment disbursed to date for each project.

131 (c) Collect and publish on its website verified results  
132 with respect to the performance goals published pursuant to  
133 paragraph (3) (c) for each project.

134

135 However, a project is not required to comply with this  
136 subsection until the next scheduled update occurring at least 60  
137 days after the project award date.

138 (5) On June 30 and December 31 of each year, the  
139 department shall publish a timeline demonstrating the progress  
140 of each project implemented under the Quick Action Closing Fund

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141 pursuant to s. 288.1088. If any of the following has occurred,  
142 the department shall publish the date or dates upon which each  
143 occurred:

144 (a) The department received a completed application.

145 (b) The department's recommendation was transmitted to the  
146 Governor for approval or disapproval.

147 (c) The Legislature, where required by s. 288.1088, acted  
148 to approve or change the project.

149 (d) The department and the business entered into a  
150 contract for payment from the fund.

151 (e) The economic development agency validated the  
152 beneficiary business's performance.

153 (f) Funds were released to the beneficiary business.

154 (6) (a) Within 48 hours after expiration of the period of  
155 confidentiality provided under s. 288.075, the department shall  
156 publish both the name of the beneficiary business and a copy of  
157 the contract or agreement described in s. 288.061, redacted to  
158 protect the beneficiary business from disclosure of information  
159 that remains confidential or exempt by law.

160 (b) Within 48 hours after submitting any report of  
161 findings and recommendations made pursuant to s. 288.106(7) (d)  
162 concerning a business's failure to complete a tax refund  
163 agreement pursuant to the tax refund program for qualified  
164 target industry businesses, the department shall publish such  
165 report.

166 (7) For projects completed before July 1, 2013, the  
167 department shall compile and, by July 1, 2014, shall publish the  
168 information described in subsections (3), (4), and (5), to the

169 extent such information is available and applicable.

170 (8) Before publication of the information described in  
171 subsections (3) and (4), the economic development agency shall  
172 provide the beneficiary business an opportunity to request a  
173 delay in the publication of some, but in no case all, of the  
174 information that the department is required to publish. To make  
175 such a request, the beneficiary business must identify the  
176 information, specify how long it requests the publication of the  
177 information to be delayed, and describe the circumstances  
178 necessitating delayed publication of the information.

179 Circumstances necessitating delayed publication may include  
180 those circumstances in which the premature revelation of the  
181 business activities of the beneficiary business threatens the  
182 ability of the beneficiary business to purchase real property at  
183 market prices. Upon a finding by the economic development agency  
184 that the disclosure of information so described would impede the  
185 beneficiary business's efforts to locate, relocate, expand, or  
186 begin its business activities in the state, the department shall  
187 delay publication of only that information justified by the  
188 finding, and only for such time as is justified by the finding.

189 (9) Any person who is an employee of an economic  
190 development agency who violates this section commits a  
191 misdemeanor of the second degree, punishable as provided in s.  
192 775.082 or s. 775.083.

193 (10) The provisions of this section which restrict the  
194 department's publication of information are intended only to  
195 limit the information that the department may publish on its  
196 website and shall not be construed to create an exemption from

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197 public records requirements under s. 119.07(1) or s. 24(a), Art.  
198 I of the State Constitution.

199 (11) The Office of Economic and Demographic Research shall  
200 annually establish a methodology for calculation of the state's  
201 return on investment, including formulas for indirect and  
202 induced job creation, incremental capital investment, and  
203 increased tax revenue. The department shall publish the  
204 methodology and formulas as soon as they are available and shall  
205 use the methodology and formulas in collecting and publishing  
206 the information required to be published by this section.

207 (12) The department may adopt rules to administer this  
208 section.

209 Section 2. Paragraph (a) of subsection (6) of section  
210 288.075, Florida Statutes, is amended to read:

211 288.075 Confidentiality of records.—

212 (6) ECONOMIC INCENTIVE PROGRAMS.—

213 (a) The following information held by an economic  
214 development agency pursuant to the administration of an economic  
215 incentive program for qualified businesses is confidential and  
216 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
217 Constitution for a period not to exceed the duration of the  
218 incentive agreement, including an agreement authorizing a tax  
219 refund or tax credit, or upon termination of the incentive  
220 agreement:

221 1. The percentage of the business's sales occurring  
222 outside this state and, for businesses applying under s.  
223 288.1045, the percentage of the business's gross receipts  
224 derived from Department of Defense contracts during the 5 years



225 immediately preceding the date the business's application is  
 226 submitted.

227 2. An individual employee's personal identifying  
 228 information that is held as evidence of the achievement or  
 229 nonachievement of the wage requirements of the tax refund, tax  
 230 credit, or incentive agreement programs or of the job creation  
 231 requirements of such programs.

232 3. The amount of any of the following which does not  
 233 appear as the incremental amount of taxes paid for purposes of  
 234 reporting the state's per project return on investment as  
 235 required under s. 288.076 or as the aggregate of taxes paid per  
 236 program for purposes of the annual incentives report required  
 237 under s. 288.907:

- 238 a. Taxes on sales, use, and other transactions paid
- 239 pursuant to chapter 212;
- 240 b. Corporate income taxes paid pursuant to chapter 220;
- 241 c. Intangible personal property taxes paid pursuant to
- 242 chapter 199;
- 243 d. Insurance premium taxes paid pursuant to chapter 624;
- 244 e. Excise taxes paid on documents pursuant to chapter 201;
- 245 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 246 g. State communications services taxes paid pursuant to
- 247 chapter 202.

248  
 249 However, an economic development agency may disclose in the  
 250 annual incentives report ~~required under s. 288.907~~ the aggregate  
 251 amount of each tax identified in this subparagraph and paid by  
 252 all businesses participating in each economic incentive program

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253 | and, for purposes of reporting the state's per project return on  
254 | investment as required under s. 288.076, may disclose the  
255 | incremental amount of taxes paid.

256 | Section 3. This act shall take effect July 1, 2013.