

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 212.08, F.S., deleting individual limits on the
4 amounts of sales tax refunds authorized for the
5 purchase of building materials used in the
6 rehabilitation of real property located in an
7 enterprise zone or for the purchase of business
8 property used by businesses in an enterprise zone;
9 providing cumulative annual limits on these sales tax
10 refunds; deleting the scheduled expiration of these
11 sales tax refunds and of a sales tax exemption for
12 charges for electrical energy used by certain
13 qualified businesses in an enterprise zone, to conform
14 to changes made by the act; amending s. 212.098, F.S.,
15 relating to the Rural Job Tax Credit Program; revising
16 definitions; authorizing Enterprise Florida, Inc., to
17 make recommendations regarding industrial
18 classifications used to determine an eligible
19 business; providing an exception for certain employees
20 to remain qualified employees; revising the amount of
21 tax credits per employee that eligible businesses may
22 receive; providing an additional tax credit per
23 employee for an eligible business located within a
24 rural area of opportunity; authorizing an ad valorem

25 tax reimbursement for eligible businesses whose tax
26 credits exceed their corporate income tax liability;
27 authorizes sales tax refunds for eligible businesses
28 for specified amounts of sales tax paid for
29 electricity; providing cumulative annual limits on
30 these sales tax refunds; authorizing the Department of
31 Revenue to adopt rules; amending s. 288.018, F.S.,
32 relating to the Regional Rural Development Grants
33 Program; authorizing the Department of Economic
34 Opportunity to determine the amount of nonstate
35 resources that must be used annually for matching
36 grants; amending s. 288.0655, F.S.; revising the
37 maximum percentage of total infrastructure project
38 costs for which the department may award grants;
39 revising requirements for eligible projects and uses
40 of funds; creating a program to provide funding for
41 speculative building construction in rural counties;
42 limiting the amount of grants for these rural
43 infrastructure projects; authorizing the department to
44 adopt rules; amending s. 288.106, F.S., relating to a
45 tax refund program for target industry businesses;
46 revising definitions; removing a limitation on
47 specified tax refunds; exempting qualified target
48 industry businesses located in a rural area of

49 opportunity from a reduction in specified tax refund
50 amounts when local financial support is less than a
51 specified amount; requiring regionally based economic
52 development organizations, in consultation with the
53 department and Enterprise Florida, Inc., to develop
54 target industry businesses specific to the rural area
55 of economic opportunity; authorizing businesses in a
56 rural area of opportunity to apply for waiver of
57 certain criteria; repealing s. 290.016, F.S., relating
58 to the scheduled repeal of the Florida Enterprise Zone
59 Act; amending ss. 166.231, 193.077, 193.085, 195.073,
60 195.099, 196.012, 205.022, 205.054, 212.02, 212.096,
61 220.02, 220.03, 220.13, 220.181, and 220.182, F.S.;
62 conforming provisions to changes made by the act;
63 providing an effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Paragraphs (g) and (h) of subsection (5) and
68 subsection (15) of section 212.08, Florida Statutes, are amended
69 to read:

70 212.08 Sales, rental, use, consumption, distribution, and
71 storage tax; specified exemptions.—The sale at retail, the
72 rental, the use, the consumption, the distribution, and the

73 storage to be used or consumed in this state of the following
74 are hereby specifically exempt from the tax imposed by this
75 chapter.

76 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

79 1. Building materials used in the rehabilitation of real
80 property located in an enterprise zone are exempt from the tax
81 imposed by this chapter upon an affirmative showing to the
82 satisfaction of the department that the items have been used for
83 the rehabilitation of real property located in an enterprise
84 zone. Except as provided in subparagraph 2., this exemption
85 inures to the owner, lessee, or lessor at the time the real
86 property is rehabilitated, but only through a refund of
87 previously paid taxes. To receive a refund pursuant to this
88 paragraph, the owner, lessee, or lessor of the rehabilitated
89 real property must file an application under oath with the
90 governing body or enterprise zone development agency having
91 jurisdiction over the enterprise zone where the business is
92 located, as applicable. A single application for a refund may be
93 submitted for multiple, contiguous parcels that were part of a
94 single parcel that was divided as part of the rehabilitation of
95 the property. All other requirements of this paragraph apply to
96 each parcel on an individual basis. The application must

97 include:

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

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

102 c. A description of the improvements made to accomplish
103 the rehabilitation of the real property.

104 d. A copy of a valid building permit issued by the county
105 or municipal building department for the rehabilitation of the
106 real property.

107 e. A sworn statement, under penalty of perjury, from the
108 general contractor licensed in this state with whom the
109 applicant contracted to make the improvements necessary to
110 rehabilitate the real property, which lists the building
111 materials used to rehabilitate the real property, the actual
112 cost of the building materials, and the amount of sales tax paid
113 in this state on the building materials. If a general contractor
114 was not used, the applicant, not a general contractor, shall
115 make the sworn statement required by this sub-subparagraph.
116 Copies of the invoices that evidence the purchase of the
117 building materials used in the rehabilitation and the payment of
118 sales tax on the building materials must be attached to the
119 sworn statement provided by the general contractor or by the
120 applicant. Unless the actual cost of building materials used in

121 the rehabilitation of real property and the payment of sales
122 taxes is documented by a general contractor or by the applicant
123 in this manner, the cost of the building materials is deemed to
124 be an amount equal to 40 percent of the increase in assessed
125 value for ad valorem tax purposes.

126 f. The identifying number assigned pursuant to s. 290.0065
127 to the enterprise zone in which the rehabilitated real property
128 is located.

129 g. A certification by the local building code inspector
130 that the improvements necessary to rehabilitate the real
131 property are substantially completed.

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

134 i. If applicable, the name and address of each permanent
135 employee of the business, including, for each employee who is a
136 resident of an enterprise zone, the identifying number assigned
137 pursuant to s. 290.0065 to the enterprise zone in which the
138 employee resides.

139 2. This exemption inures to a municipality, county, other
140 governmental unit or agency, or nonprofit community-based
141 organization through a refund of previously paid taxes if the
142 building materials used in the rehabilitation are paid for from
143 the funds of a community development block grant, State Housing
144 Initiatives Partnership Program, or similar grant or loan

145 program. To receive a refund, a municipality, county, other
146 governmental unit or agency, or nonprofit community-based
147 organization must file an application that includes the same
148 information required in subparagraph 1. In addition, the
149 application must include a sworn statement signed by the chief
150 executive officer of the municipality, county, other
151 governmental unit or agency, or nonprofit community-based
152 organization seeking a refund which states that the building
153 materials for which a refund is sought were funded by a
154 community development block grant, State Housing Initiatives
155 Partnership Program, or similar grant or loan program.

156 3. Within 10 working days after receipt of an application,
157 the governing body or enterprise zone development agency shall
158 review the application to determine if it contains all the
159 information required by subparagraph 1. or subparagraph 2. and
160 meets the criteria set out in this paragraph. The governing body
161 or agency shall certify all applications that contain the
162 required information and are eligible to receive a refund. If
163 applicable, the governing body or agency shall also certify if
164 20 percent of the employees of the business are residents of an
165 enterprise zone, excluding temporary and part-time employees.
166 The certification must be in writing, and a copy of the
167 certification shall be transmitted to the executive director of
168 the department. The applicant is responsible for forwarding a

169 certified application to the department within the time
170 specified in subparagraph 4.

171 4. An application for a refund must be submitted to the
172 department within 6 months after the rehabilitation of the
173 property is deemed to be substantially completed by the local
174 building code inspector or by November 1 after the rehabilitated
175 property is first subject to assessment.

176 5. Only one exemption through a refund of previously paid
177 taxes for the rehabilitation of real property is permitted for
178 any single parcel of property unless there is a change in
179 ownership, a new lessor, or a new lessee of the real property. A
180 refund may not be granted unless the amount to be refunded
181 exceeds \$500. Refunds may not exceed \$15 million annually. A
182 ~~refund may not exceed the lesser of 97 percent of the Florida~~
183 ~~sales or use tax paid on the cost of the building materials used~~
184 ~~in the rehabilitation of the real property as determined~~
185 ~~pursuant to sub-subparagraph 1.e. or \$5,000, or, if at least 20~~
186 ~~percent of the employees of the business are residents of an~~
187 ~~enterprise zone, excluding temporary and part-time employees,~~
188 ~~the amount of refund may not exceed the lesser of 97 percent of~~
189 ~~the sales tax paid on the cost of the building materials or~~
190 ~~\$10,000.~~ A refund shall be made within 30 days after formal
191 approval by the department of the application for the refund.

192 6. The department shall adopt rules governing the manner

193 and form of refund applications and may establish guidelines as
 194 to the requisites for an affirmative showing of qualification
 195 for exemption under this paragraph.

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

202 8. For the purposes of the exemption provided in this
 203 paragraph, the term:

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

206 b. "Real property" has the same meaning as provided in s.
 207 192.001(12), except that the term does not include a condominium
 208 parcel or condominium property as defined in s. 718.103.

209 c. "Rehabilitation of real property" means the
 210 reconstruction, renovation, restoration, rehabilitation,
 211 construction, or expansion of improvements to real property.

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

214 ~~9. This paragraph expires on the date specified in s.~~
 215 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

216 (h) Business property used in an enterprise zone.—

217 1. Business property purchased for use by businesses
218 located in an enterprise zone which is subsequently used in an
219 enterprise zone shall be exempt from the tax imposed by this
220 chapter. This exemption inures to the business only through a
221 refund of previously paid taxes. A refund shall be authorized
222 upon an affirmative showing by the taxpayer to the satisfaction
223 of the department that the requirements of this paragraph have
224 been met.

225 2. To receive a refund, the business must file under oath
226 with the governing body or enterprise zone development agency
227 having jurisdiction over the enterprise zone where the business
228 is located, as applicable, an application which includes:

229 a. The name and address of the business claiming the
230 refund.

231 b. The identifying number assigned pursuant to s. 290.0065
232 to the enterprise zone in which the business is located.

233 c. A specific description of the property for which a
234 refund is sought, including its serial number or other permanent
235 identification number.

236 d. The location of the property.

237 e. The sales invoice or other proof of purchase of the
238 property, showing the amount of sales tax paid, the date of
239 purchase, and the name and address of the sales tax dealer from
240 whom the property was purchased.

241 f. Whether the business is a small business as defined by
242 s. 288.703.

243 g. If applicable, the name and address of each permanent
244 employee of the business, including, for each employee who is a
245 resident of an enterprise zone, the identifying number assigned
246 pursuant to s. 290.0065 to the enterprise zone in which the
247 employee resides.

248 3. Within 10 working days after receipt of an application,
249 the governing body or enterprise zone development agency shall
250 review the application to determine if it contains all the
251 information required pursuant to subparagraph 2. and meets the
252 criteria set out in this paragraph. The governing body or agency
253 shall certify all applications that contain the information
254 required pursuant to subparagraph 2. and meet the criteria set
255 out in this paragraph as eligible to receive a refund. If
256 applicable, the governing body or agency shall also certify if
257 20 percent of the employees of the business are residents of an
258 enterprise zone, excluding temporary and part-time employees.
259 The certification shall be in writing, and a copy of the
260 certification shall be transmitted to the executive director of
261 the Department of Revenue. The business shall be responsible for
262 forwarding a certified application to the department within the
263 time specified in subparagraph 4.

264 4. An application for a refund pursuant to this paragraph

265 must be submitted to the department within 6 months after the
266 tax is due on the business property that is purchased.

267 5. The amount refunded on purchases of business property
268 under this paragraph may not exceed \$15 million annually ~~shall~~
269 ~~be the lesser of 97 percent of the sales tax paid on such~~
270 ~~business property or \$5,000, or, if no less than 20 percent of~~
271 ~~the employees of the business are residents of an enterprise~~
272 ~~zone, excluding temporary and part-time employees, the amount~~
273 ~~refunded on purchases of business property under this paragraph~~
274 ~~shall be the lesser of 97 percent of the sales tax paid on such~~
275 ~~business property or \$10,000.~~ A refund approved pursuant to this
276 paragraph shall be made within 30 days after formal approval by
277 the department of the application for the refund. A refund may
278 not be granted under this paragraph unless the amount to be
279 refunded exceeds \$100 in sales tax paid on purchases made within
280 a 60-day time period.

281 6. The department shall adopt rules governing the manner
282 and form of refund applications and may establish guidelines as
283 to the requisites for an affirmative showing of qualification
284 for exemption under this paragraph.

285 7. If the department determines that the business property
286 is used outside an enterprise zone within 3 years from the date
287 of purchase, the amount of taxes refunded to the business
288 purchasing such business property shall immediately be due and

289 payable to the department by the business, together with the
290 appropriate interest and penalty, computed from the date of
291 purchase, in the manner provided by this chapter.

292 Notwithstanding this subparagraph, business property used
293 exclusively in:

- 294 a. Licensed commercial fishing vessels,
- 295 b. Fishing guide boats, or
- 296 c. Ecotourism guide boats

297

298 that leave and return to a fixed location within an area
299 designated under s. 379.2353, Florida Statutes 2010, are
300 eligible for the exemption provided under this paragraph if all
301 requirements of this paragraph are met. Such vessels and boats
302 must be owned by a business that is eligible to receive the
303 exemption provided under this paragraph. This exemption does not
304 apply to the purchase of a vessel or boat.

305 8. The department shall deduct an amount equal to 10
306 percent of each refund granted under this paragraph from the
307 amount transferred into the Local Government Half-cent Sales Tax
308 Clearing Trust Fund pursuant to s. 212.20 for the county area in
309 which the business property is located and shall transfer that
310 amount to the General Revenue Fund.

311 9. For the purposes of this exemption, "business property"
312 means new or used property defined as "recovery property" in s.

313 168(c) of the Internal Revenue Code of 1954, as amended, except:

314 a. Property classified as 3-year property under s.

315 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

316 b. Industrial machinery and equipment as defined in sub-
317 subparagraph (b)6.a. and eligible for exemption under paragraph
318 (b);

319 c. Building materials as defined in sub-subparagraph
320 (g)8.a.; and

321 d. Business property having a sales price of under \$5,000
322 per unit.

323 ~~10. This paragraph expires on the date specified in s.~~
324 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

325 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

326 (a) Beginning July 1, 1995, charges for electrical energy
327 used by a qualified business at a fixed location in an
328 enterprise zone in a municipality which has enacted an ordinance
329 pursuant to s. 166.231(8) which provides for exemption of
330 municipal utility taxes on such businesses or in an enterprise
331 zone jointly authorized by a county and a municipality which has
332 enacted an ordinance pursuant to s. 166.231(8) which provides
333 for exemption of municipal utility taxes on such businesses
334 shall receive an exemption equal to 50 percent of the tax
335 imposed by this chapter, or, if no less than 20 percent of the
336 employees of the business are residents of an enterprise zone,

337 excluding temporary and part-time employees, the exemption shall
338 be equal to 100 percent of the tax imposed by this chapter. A
339 qualified business may receive such exemption for a period of 5
340 years from the billing period beginning not more than 30 days
341 following notification to the applicable utility company by the
342 department that an exemption has been authorized pursuant to
343 this subsection and s. 166.231(8).

344 (b) To receive this exemption, a business must file an
345 application, with the enterprise zone development agency having
346 jurisdiction over the enterprise zone where the business is
347 located, on a form provided by the department for the purposes
348 of this subsection and s. 166.231(8). The application shall be
349 made under oath and shall include:

- 350 1. The name and location of the business.
- 351 2. The identifying number assigned pursuant to s. 290.0065
352 to the enterprise zone in which the business is located.
- 353 3. The date on which electrical service is to be first
354 initiated to the business.
- 355 4. The name and mailing address of the entity from which
356 electrical energy is to be purchased.
- 357 5. The date of the application.
- 358 6. The name of the city in which the business is located.
- 359 7. If applicable, the name and address of each permanent
360 employee of the business including, for each employee who is a

361 resident of an enterprise zone, the identifying number assigned
362 pursuant to s. 290.0065 to the enterprise zone in which the
363 employee resides.

364 8. Whether the business is a small business as defined by
365 s. 288.703.

366 (c) Within 10 working days after receipt of an
367 application, the enterprise zone development agency shall review
368 the application to determine if it contains all information
369 required pursuant to paragraph (b) and meets the criteria set
370 out in this subsection. The agency shall certify all
371 applications that contain the information required pursuant to
372 paragraph (b) and meet the criteria set out in this subsection
373 as eligible to receive an exemption. If applicable, the agency
374 shall also certify if 20 percent of the employees of the
375 business are residents of an enterprise zone, excluding
376 temporary and part-time employees. The certification shall be in
377 writing, and a copy of the certification shall be transmitted to
378 the executive director of the Department of Revenue. The
379 applicant shall be responsible for forwarding a certified
380 application to the department within 6 months after the
381 occurrence of the appropriate qualifying provision set out in
382 paragraph (f).

383 (d) If, in a subsequent audit conducted by the department,
384 it is determined that the business did not meet the criteria

385 mandated in this subsection, the amount of taxes exempted shall
386 immediately be due and payable to the department by the
387 business, together with the appropriate interest and penalty,
388 computed from the due date of each bill for the electrical
389 energy purchased as exempt under this subsection, in the manner
390 prescribed by this chapter.

391 (e) The department shall adopt rules governing
392 applications for, issuance of, and the form of applications for
393 the exemption authorized in this subsection and provisions for
394 recapture of taxes exempted under this subsection, and the
395 department may establish guidelines as to qualifications for
396 exemption.

397 (f) For the purpose of the exemption provided in this
398 subsection, the term "qualified business" means a business which
399 is:

400 1. First occupying a new structure to which electrical
401 service, other than that used for construction purposes, has not
402 been previously provided or furnished;

403 2. Newly occupying an existing, remodeled, renovated, or
404 rehabilitated structure to which electrical service, other than
405 that used for remodeling, renovation, or rehabilitation of the
406 structure, has not been provided or furnished in the three
407 preceding billing periods; or

408 3. Occupying a new, remodeled, rebuilt, renovated, or

409 rehabilitated structure for which a refund has been granted
 410 pursuant to paragraph (5) (g).

411 ~~(g) This subsection expires on the date specified in s.~~
 412 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
 413 ~~except that:~~

414 ~~1. Paragraph (d) shall not expire; and~~

415 ~~2. Any qualified business which has been granted an~~
 416 ~~exemption under this subsection prior to that date shall be~~
 417 ~~allowed the full benefit of this exemption as if this subsection~~
 418 ~~had not expired on that date.~~

419 Section 2. Subsections (1) of section 212.098, Florida
 420 Statutes, is reordered and amended, subsections (2) and (3) are
 421 amended, subsections (5) through (12) are renumbered as
 422 subsections (6) through (13), respectively, and new subsections
 423 (5), (14), and (15) are added to that section, to read:

424 212.098 Rural Job Tax Credit Program.—

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

426 (a) "Eligible business" means any sole proprietorship,
 427 firm, partnership, or corporation that is located in a qualified
 428 county and is predominantly engaged in, or is headquarters for a
 429 business predominantly engaged in, activities usually provided
 430 for consideration by firms classified within the following
 431 standard industrial classifications: SIC 01-SIC 09 (agriculture,
 432 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-

433 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
434 storage); SIC 70 (hotels and other lodging places); SIC 7391
435 (research and development); SIC 781 (motion picture production
436 and allied services); SIC 7992 (public golf courses); SIC 7996
437 (amusement parks); and a targeted industry eligible for the
438 qualified target industry business tax refund under s. 288.106.
439 A call center or similar customer service operation that
440 services a multistate market or an international market is also
441 an eligible business. In addition, the Department of Economic
442 Opportunity and Enterprise Florida, Inc., may, as part of their
443 ~~its~~ final budget requests ~~request~~ submitted pursuant to s.
444 216.023, recommend additions to or deletions from the list of
445 standard industrial classifications used to determine an
446 eligible business, and the Legislature may implement such
447 recommendations. Excluded from eligible receipts are receipts
448 from retail sales, except such receipts for hotels and other
449 lodging places classified in SIC 70, public golf courses in SIC
450 7992, and amusement parks in SIC 7996. For purposes of this
451 paragraph, the term "predominantly" means that more than 50
452 percent of the business's gross receipts from all sources is
453 generated by those activities usually provided for consideration
454 by firms in the specified standard industrial classification.
455 The determination of whether the business is located in a
456 qualified county and the tier ranking of that county must be

457 based on the date of application for the credit under this
458 section. Commonly owned and controlled entities are to be
459 considered a single business entity.

460 (b)~~(e)~~ "Existing business" means any eligible business
461 that does not meet the criteria for a new business.

462 (c)~~(d)~~ "New business" means any eligible business first
463 beginning operation on a site in a qualified county and clearly
464 separate from any other commercial or business operation of the
465 business entity within a qualified county. A business entity
466 that operated an eligible business within a qualified county
467 within the 48 months before the period provided for application
468 by subsection (2) is not considered a new business.

469 (d)~~(e)~~ "Qualified area" means any area that is contained
470 within a rural area of opportunity designated under s. 288.0656,
471 a county that has a population of fewer than 75,000 persons, or
472 a county that has a population of 125,000 or less and is
473 contiguous to a county that has a population of less than
474 75,000, selected in the following manner: every third year, the
475 Department of Economic Opportunity shall rank and tier the
476 state's counties according to the following four factors:

- 477 1. Highest unemployment rate for the most recent 36-month
478 period.
- 479 2. Lowest per capita income for the most recent 36-month
480 period.

481 3. Highest percentage of residents whose incomes are below
482 the poverty level, based upon the most recent data available.

483 4. Average weekly manufacturing wage, based upon the most
484 recent data available.

485 (e) ~~(b)~~ "Qualified employee" means any employee of an
486 eligible business who performs duties in connection with the
487 operations of the business on a regular, full-time basis for an
488 average of at least 36 hours per week for at least 3 months
489 within the qualified county in which the eligible business is
490 located. The term also includes an employee leased from an
491 employee leasing company licensed under chapter 468, if such
492 employee has been continuously leased to the employer for an
493 average of at least 36 hours per week for more than 6 months. An
494 owner or partner of the eligible business is not a qualified
495 employee. If an employee meets the qualifications of this
496 paragraph but subsequently does not work an average of at least
497 36 hours per week in any one month, the employee remains a
498 qualified employee if he or she meets the qualifications of this
499 paragraph in the following month.

500 (2) A new eligible business may apply for a tax credit
501 under this subsection once at any time during its first year of
502 operation. A new eligible business in a qualified area that has
503 at least 10 qualified employees on the date of application shall
504 receive a \$2,000 ~~\$1,000~~ tax credit for each such employee.

505 (3) An existing eligible business may apply for a tax
506 credit under this subsection at any time it is entitled to such
507 credit, except as restricted by this subsection. An existing
508 eligible business with fewer than 50 employees in a qualified
509 area that on the date of application has at least 20 percent
510 more qualified employees than it had 1 year before ~~prior to~~ its
511 date of application shall receive a \$2,000 ~~\$1,000~~ tax credit for
512 each such additional employee. An existing eligible business
513 that has 50 employees or more in a qualified area that, on the
514 date of application, has at least 10 more qualified employees
515 than it had 1 year before ~~prior to~~ its date of application shall
516 receive a \$2,000 ~~\$1,000~~ tax credit for each additional employee.
517 Any existing eligible business that received a credit under
518 subsection (2) may not apply for the credit under this
519 subsection sooner than 12 months after the application date for
520 the credit under subsection (2).

521 (5) A new eligible business that receives a tax credit
522 under subsection (2) shall receive an additional \$3,000 tax
523 credit for each qualified employee if the new eligible business
524 is located within a rural area of opportunity as defined in s.
525 288.0656.

526 (14) If a new or existing eligible business takes a tax
527 credit under this section against its corporate income tax
528 liability, and the tax credit exceeds its corporate income tax

529 liability, the eligible business may apply for an ad valorem tax
530 reimbursement equal to the excess amount.

531 (15) Effective January 1, 2016, a new or existing eligible
532 business that receives a tax credit under subsection (2) or
533 subsection (3) is eligible for a tax refund of up to 50 percent
534 of the amount of sales tax paid by the business for electricity.
535 The total amount of tax refunds approved pursuant to this
536 subsection may not exceed \$10 million during any calendar year.
537 The department may adopt rules to administer this subsection.

538 Section 3. Subsection (1) of section 288.018, Florida
539 Statutes, is amended to read:

540 288.018 Regional Rural Development Grants Program.—

541 (1) The department shall establish a matching grant
542 program to provide funding to regionally based economic
543 development organizations representing rural counties and
544 communities for the purpose of building the professional
545 capacity of their organizations. Such matching grants may also
546 be used by an economic development organization to provide
547 technical assistance to businesses within the rural counties and
548 communities that it serves. The department is authorized to
549 approve, on an annual basis, grants to such regionally based
550 economic development organizations. The maximum amount an
551 organization may receive in any year will be \$50,000, or
552 \$150,000 in a rural area of opportunity recommended by the Rural

553 Economic Development Initiative and designated by the Governor,
554 and must be matched each year by an ~~equivalent~~ amount of
555 nonstate resources as determined by the department.

556 Section 4. Paragraphs (b) and (c) of subsection (2) of
557 section 288.0655, Florida Statutes, are amended, subsection (5)
558 is renumbered as subsection (6), and a new subsection (5) is
559 added to that section, to read:

560 288.0655 Rural Infrastructure Fund.—

561 (2)

562 (b) To facilitate access of rural communities and rural
563 areas of opportunity as defined by the Rural Economic
564 Development Initiative to infrastructure funding programs of the
565 Federal Government, such as those offered by the United States
566 Department of Agriculture and the United States Department of
567 Commerce, and state programs, including those offered by Rural
568 Economic Development Initiative agencies, and to facilitate
569 local government or private infrastructure funding efforts, the
570 department may award grants for up to 40 ~~30~~ percent of the total
571 infrastructure project cost. If an application for funding is
572 for a catalyst site, as defined in s. 288.0656, the department
573 may award grants for up to 50 ~~40~~ percent of the total
574 infrastructure project cost. ~~Eligible projects must be related~~
575 ~~to specific job-creation or job-retention opportunities.~~
576 Eligible projects may also include improving any inadequate

577 infrastructure that has resulted in regulatory action that
578 prohibits economic or community growth or reducing the costs to
579 community users of proposed infrastructure improvements that
580 exceed such costs in comparable communities. Eligible uses of
581 funds shall include site certification costs and improvements to
582 public infrastructure for industrial or commercial sites and
583 upgrades to or development of public tourism infrastructure.
584 Authorized infrastructure may include the following public or
585 public-private partnership facilities: storm water systems;
586 telecommunications facilities; broadband facilities; roads or
587 other remedies to transportation impediments; nature-based
588 tourism facilities; or other physical requirements necessary to
589 facilitate tourism, trade, and economic development activities
590 in the community. Authorized infrastructure may also include
591 publicly or privately owned self-powered nature-based tourism
592 facilities, publicly owned telecommunications facilities, and
593 broadband facilities, and additions to the distribution
594 facilities of the existing natural gas utility as defined in s.
595 366.04(3)(c), the existing electric utility as defined in s.
596 366.02, or the existing water or wastewater utility as defined
597 in s. 367.021(12), or any other existing water or wastewater
598 facility, which owns a gas or electric distribution system or a
599 water or wastewater system in this state where:
600 1. A contribution-in-aid of construction is required to

601 serve public or public-private partnership facilities under the
602 tariffs of any natural gas, electric, water, or wastewater
603 utility as defined herein; and

604 2. Such utilities as defined herein are willing and able
605 to provide such service.

606 (c) To facilitate timely response and induce the location
607 or expansion of specific job creating opportunities, the
608 department may award grants for infrastructure feasibility
609 studies, design and engineering activities, or other
610 infrastructure planning and preparation activities. Authorized
611 grants shall be up to \$50,000 for an employment project with a
612 business committed to create at least 100 jobs; up to \$150,000
613 for an employment project with a business committed to create at
614 least 300 jobs; and up to \$300,000 for a project in a rural area
615 of opportunity. Grants awarded under this paragraph may be used
616 in conjunction with grants awarded under paragraph (b), provided
617 that the total amount of both grants does not exceed 40 ~~30~~
618 percent of the total project cost. In evaluating applications
619 under this paragraph, the department shall consider the extent
620 to which the application seeks to minimize administrative and
621 consultant expenses.

622 (5) The department shall create a speculative building
623 program for rural counties. The department may adopt rules to
624 administer the program and provide funding to eligible counties

625 for constructing speculative buildings. The department may not
626 grant a rural county more than 50 percent of the total cost of
627 the speculative building. Funding shall be based on available
628 funds provided by the Legislature for the purpose of rural
629 infrastructure.

630 Section 5. Paragraph (k) of subsection (2) and paragraph
631 (d) of subsection (6) of section 288.106, Florida Statutes, are
632 amended, and paragraph (e) is added to subsection (7) of that
633 section, to read:

634 288.106 Tax refund program for qualified target industry
635 businesses.—

636 (2) DEFINITIONS.—As used in this section:

637 (k) "Local financial support exemption option" means the
638 option to exercise an exemption from the local financial support
639 requirement available to any applicant whose project is located
640 in a brownfield area, a rural city, or a rural community. ~~Any~~
641 ~~applicant that exercises this option is not eligible for more~~
642 ~~than 80 percent of the total tax refunds allowed such applicant~~
643 ~~under this section.~~

644 (6) ANNUAL CLAIM FOR REFUND.—

645 (d) A tax refund may not be approved for a qualified
646 target industry business unless the required local financial
647 support has been paid into the account for that refund. If the
648 local financial support provided is less than 20 percent of the

649 approved tax refund, the tax refund must be reduced unless the
650 qualified target industry business is located in a rural area of
651 opportunity. In no event may the tax refund exceed an amount
652 that is equal to 5 times the amount of the local financial
653 support received. Further, funding from local sources includes
654 any tax abatement granted to that business under s. 196.1995 or
655 the appraised market value of municipal or county land conveyed
656 or provided at a discount to that business. The amount of any
657 tax refund for such business approved under this section must be
658 reduced by the amount of any such tax abatement granted or the
659 value of the land granted, and the limitations in subsection (3)
660 and paragraph (4) (e) must be reduced by the amount of any such
661 tax abatement or the value of the land granted. A report listing
662 all sources of the local financial support shall be provided to
663 the department when such support is paid to the account.

664 (7) ADMINISTRATION.—

665 (e) By July 1, 2015, for existing rural areas of
666 opportunity, and thereafter for new and existing rural areas of
667 opportunity, the regionally based economic development
668 organization representing the rural area of opportunity shall,
669 in consultation with the department and Enterprise Florida,
670 Inc., develop target industry businesses specific to the rural
671 area of opportunity but may not develop any target industry
672 business specifically prohibited by this chapter. A business in

673 a rural area of opportunity may apply to the department for a
674 waiver of the target industry business criteria provided in
675 paragraph (2)(g).

676 Section 6. Section 290.016, Florida Statutes, is repealed.

677 Section 7. Paragraph (c) of subsection (8) of section
678 166.231, Florida Statutes, is amended to read:

679 166.231 Municipalities; public service tax.—

680 (8)

681 ~~(c) This subsection expires on the date specified in s.~~
682 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
683 ~~except that any qualified business that has satisfied the~~
684 ~~requirements of this subsection before that date shall be~~
685 ~~allowed the full benefit of the exemption allowed under this~~
686 ~~subsection as if this subsection had not expired on that date.~~

687 Section 8. Subsections (3) and (4) of section 193.077,
688 Florida Statutes, are amended to read:

689 193.077 Notice of new, rebuilt, or expanded property.—

690 (3) Within 10 days of extension or recertification of the
691 assessment rolls pursuant to s. 193.122, whichever is later, the
692 property appraiser shall forward to the department a list of all
693 property of new businesses and property separately assessed as
694 expansion-related or rebuilt property pursuant to s. 193.085(5)
695 ~~193.085(5)(a)~~. The list shall include the name and address of
696 the business to which the property is assessed, the assessed

697 value of the property, the total taxes levied against the
 698 property, the identifying number for the property as shown on
 699 the assessment roll, and a description of the property.

700 ~~(4) This section expires on the date specified in s.~~
 701 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

702 Section 9. Subsection (5) of section 193.085, Florida
 703 Statutes, is amended to read:

704 193.085 Listing all property.—

705 (5) ~~(a)~~ Beginning in the year in which a notice of new,
 706 rebuilt, or expanded property is accepted and certified pursuant
 707 to s. 193.077 and for the 4 years immediately thereafter, the
 708 property appraiser shall separately assess the prior existing
 709 property and the expansion-related or rebuilt property, if any,
 710 of each business having submitted said notice pursuant to s.
 711 220.182(4). The listing of expansion-related or rebuilt property
 712 on an assessment roll shall immediately follow the listing of
 713 prior existing property for each expanded business. However,
 714 beginning with the first assessment roll following receipt of a
 715 notice from the department that a business has been disallowed
 716 an enterprise zone property tax credit, the property appraiser
 717 shall singly list the property of such business.

718 ~~(b) This subsection expires on the date specified in s.~~
 719 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

720 Section 10. Subsection (4) of section 195.073, Florida

721 Statutes, is amended to read:

722 195.073 Classification of property.—All items required by
723 law to be on the assessment rolls must receive a classification
724 based upon the use of the property. The department shall
725 promulgate uniform definitions for all classifications. The
726 department may designate other subclassifications of property.
727 No assessment roll may be approved by the department which does
728 not show proper classifications.

729 (4) ~~(a)~~ Rules adopted pursuant to this section shall
730 provide for the separate identification of property as prior
731 existing property of an expanded or rebuilt business, as
732 expansion-related property of an expanded or rebuilt business,
733 and as property of a new business, in the event the business
734 qualifies for an enterprise zone property tax credit pursuant to
735 s. 220.182, in addition to classification according to use.

736 ~~(b) This subsection expires on the date specified in s.~~
737 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

738 Section 11. Subsection (1) of section 195.099, Florida
739 Statutes, is amended to read:

740 195.099 Periodic review.—

741 (1) ~~(a)~~ The department may review the assessments of new,
742 rebuilt, and expanded business reported according to s.
743 193.077(3), to ensure parity of level of assessment with other
744 classifications of property.

745 ~~(b) This subsection shall expire on the date specified in~~
746 ~~s. 290.016 for the expiration of the Florida Enterprise Zone~~
747 ~~Act.~~

748 Section 12. Subsection (18) of section 196.012, Florida
749 Statutes, is amended to read:

750 196.012 Definitions.—For the purpose of this chapter, the
751 following terms are defined as follows, except where the context
752 clearly indicates otherwise:

753 (18) "Enterprise zone" means an area designated as an
754 enterprise zone pursuant to s. 290.0065. ~~This subsection expires~~
755 ~~on the date specified in s. 290.016 for the expiration of the~~
756 ~~Florida Enterprise Zone Act.~~

757 Section 13. Subsection (4) of section 205.022, Florida
758 Statutes, is amended to read:

759 205.022 Definitions.—When used in this chapter, the
760 following terms and phrases shall have the meanings ascribed to
761 them in this section, except when the context clearly indicates
762 a different meaning:

763 (4) "Enterprise zone" means an area designated as an
764 enterprise zone pursuant to s. 290.0065. ~~This subsection expires~~
765 ~~on the date specified in s. 290.016 for the expiration of the~~
766 ~~Florida Enterprise Zone Act.~~

767 Section 14. Subsection (6) of section 205.054, Florida
768 Statutes, is amended to read:

769 205.054 Business tax; partial exemption for engaging in
770 business or occupation in enterprise zone.—

771 ~~(6) This section expires on the date specified in s.~~
772 ~~290.016 for the expiration of the Florida Enterprise Zone Act;~~
773 ~~and a receipt may not be issued with the exemption authorized in~~
774 ~~this section for any period beginning on or after that date.~~

775 Section 15. Subsection (6) of section 212.02, Florida
776 Statutes, is amended to read:

777 212.02 Definitions.—The following terms and phrases when
778 used in this chapter have the meanings ascribed to them in this
779 section, except where the context clearly indicates a different
780 meaning:

781 (6) "Enterprise zone" means an area of the state
782 designated pursuant to s. 290.0065. ~~This subsection expires on~~
783 ~~the date specified in s. 290.016 for the expiration of the~~
784 ~~Florida Enterprise Zone Act.~~

785 Section 16. Subsection (12) of section 212.096, Florida
786 Statutes, is amended to read:

787 212.096 Sales, rental, storage, use tax; enterprise zone
788 jobs credit against sales tax.—

789 ~~(12) This section, except for subsection (11), expires on~~
790 ~~the date specified in s. 290.016 for the expiration of the~~
791 ~~Florida Enterprise Zone Act.~~

792 Section 17. Paragraph (c) of subsection (6) and paragraph

793 (c) of subsection (7) of section 220.02, Florida Statutes, are
 794 amended to read:

795 220.02 Legislative intent.—

796 (6)

797 ~~(c) This subsection expires on the date specified in s.~~
 798 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

799 (7)

800 ~~(c) This subsection expires on the date specified in s.~~
 801 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

802 Section 18. Paragraphs (a), (c), (d), (i), (j), (k), (o),
 803 (p), (q), and (u) of subsection (1) of section 220.03, Florida
 804 Statutes, are amended to read:

805 220.03 Definitions.—

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

810 (a) "Ad valorem taxes paid" means 96 percent of property
 811 taxes levied for operating purposes and does not include
 812 interest, penalties, or discounts foregone. In addition, the
 813 term "ad valorem taxes paid," for purposes of the credit in s.
 814 220.182, means the ad valorem tax paid on new or additional real
 815 or personal property acquired to establish a new business or
 816 facilitate a business expansion, including pollution and waste

817 control facilities, or any part thereof, and including one or
818 more buildings or other structures, machinery, fixtures, and
819 equipment. ~~This paragraph expires on the date specified in s.
820 290.016 for the expiration of the Florida Enterprise Zone Act.~~

821 (c) "Business" or "business firm" means any business
822 entity authorized to do business in this state as defined in
823 paragraph (e), and any bank or savings and loan association as
824 defined in s. 220.62, subject to the tax imposed by the
825 provisions of this chapter. ~~This paragraph expires on the date
826 specified in s. 290.016 for the expiration of the Florida
827 Enterprise Zone Act.~~

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

- 830 1. Cash or other liquid assets.
- 831 2. Real property.
- 832 3. Goods or inventory.
- 833 4. Other physical resources as identified by the
834 department.

835
836 ~~This paragraph expires on the date specified in s. 290.016 for
837 the expiration of the Florida Enterprise Zone Act.~~

838 (i) "Emergency," as used in s. 220.02 and in paragraph (u)
839 of this subsection, means occurrence of widespread or severe
840 damage, injury, or loss of life or property proclaimed pursuant

841 to s. 14.022 or declared pursuant to s. 252.36. ~~This paragraph~~
842 ~~expires on the date specified in s. 290.016 for the expiration~~
843 ~~of the Florida Enterprise Zone Act.~~

844 (j) "Enterprise zone" means an area in the state
845 designated pursuant to s. 290.0065. ~~This paragraph expires on~~
846 ~~the date specified in s. 290.016 for the expiration of the~~
847 ~~Florida Enterprise Zone Act.~~

848 (k) "Expansion of an existing business," for the purposes
849 of the enterprise zone property tax credit, means any business
850 entity authorized to do business in this state as defined in
851 paragraph (e), and any bank or savings and loan association as
852 defined in s. 220.62, subject to the tax imposed by the
853 provisions of this chapter, located in an enterprise zone, which
854 expands by or through additions to real and personal property
855 and which establishes five or more new jobs to employ five or
856 more additional full-time employees at such location. ~~This~~
857 ~~paragraph expires on the date specified in s. 290.016 for the~~
858 ~~expiration of the Florida Enterprise Zone Act.~~

859 (o) "Local government" means any county or incorporated
860 municipality in the state. ~~This paragraph expires on the date~~
861 ~~specified in s. 290.016 for the expiration of the Florida~~
862 ~~Enterprise Zone Act.~~

863 (p) "New business," for the purposes of the enterprise
864 zone property tax credit, means any business entity authorized

865 to do business in this state as defined in paragraph (e), or any
866 bank or savings and loan association as defined in s. 220.62,
867 subject to the tax imposed by the provisions of this chapter,
868 first beginning operations on a site located in an enterprise
869 zone and clearly separate from any other commercial or
870 industrial operations owned by the same entity, bank, or savings
871 and loan association and which establishes five or more new jobs
872 to employ five or more additional full-time employees at such
873 location. ~~This paragraph expires on the date specified in s.~~
874 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

875 (q) "New employee," for the purposes of the enterprise
876 zone jobs credit, means a person residing in an enterprise zone
877 or a participant in the welfare transition program who is
878 employed at a business located in an enterprise zone who begins
879 employment in the operations of the business after July 1, 1995,
880 and who has not been previously employed full time within the
881 preceding 12 months by the business or a successor business
882 claiming the credit pursuant to s. 220.181. A person shall be
883 deemed to be employed by such a business if the person performs
884 duties in connection with the operations of the business on a
885 full-time basis, provided she or he is performing such duties
886 for an average of at least 36 hours per week each month. The
887 person must be performing such duties at a business site located
888 in an enterprise zone. ~~This paragraph expires on the date~~

889 ~~specified in s. 290.016 for the expiration of the Florida~~
 890 ~~Enterprise Zone Act.~~

891 (u) "Rebuilding of an existing business" means replacement
 892 or restoration of real or tangible property destroyed or damaged
 893 in an emergency, as defined in paragraph (i), after July 1,
 894 1995, in an enterprise zone, by a business entity authorized to
 895 do business in this state as defined in paragraph (e), or a bank
 896 or savings and loan association as defined in s. 220.62, subject
 897 to the tax imposed by the provisions of this chapter, located in
 898 the enterprise zone. ~~This paragraph expires on the date~~
 899 ~~specified in s. 290.016 for the expiration of the Florida~~
 900 ~~Enterprise Zone Act.~~

901 Section 19. Paragraph (a) of subsection (1) of section
 902 220.13, Florida Statutes, is amended to read:

903 220.13 "Adjusted federal income" defined.—

904 (1) The term "adjusted federal income" means an amount
 905 equal to the taxpayer's taxable income as defined in subsection
 906 (2), or such taxable income of more than one taxpayer as
 907 provided in s. 220.131, for the taxable year, adjusted as
 908 follows:

909 (a) Additions.—There shall be added to such taxable
 910 income:

911 1. The amount of any tax upon or measured by income,
 912 excluding taxes based on gross receipts or revenues, paid or

913 accrued as a liability to the District of Columbia or any state
 914 of the United States which is deductible from gross income in
 915 the computation of taxable income for the taxable year.

916 2. The amount of interest which is excluded from taxable
 917 income under s. 103(a) of the Internal Revenue Code or any other
 918 federal law, less the associated expenses disallowed in the
 919 computation of taxable income under s. 265 of the Internal
 920 Revenue Code or any other law, excluding 60 percent of any
 921 amounts included in alternative minimum taxable income, as
 922 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 923 taxpayer pays tax under s. 220.11(3).

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

928 4. That portion of the wages or salaries paid or incurred
 929 for the taxable year which is equal to the amount of the credit
 930 allowable for the taxable year under s. 220.181. ~~This~~
 931 ~~subparagraph shall expire on the date specified in s. 290.016~~
 932 ~~for the expiration of the Florida Enterprise Zone Act.~~

933 5. That portion of the ad valorem school taxes paid or
 934 incurred for the taxable year which is equal to the amount of
 935 the credit allowable for the taxable year under s. 220.182. ~~This~~
 936 ~~subparagraph shall expire on the date specified in s. 290.016~~

937 ~~for the expiration of the Florida Enterprise Zone Act.~~

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

941 7. That portion of assessments to fund a guaranty
942 association incurred for the taxable year which is equal to the
943 amount of the credit allowable for the taxable year.

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

949 9. The amount taken as a credit for the taxable year under
950 s. 220.1895.

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

954 11. The amount taken as a credit for the taxable year
955 under s. 220.1875. The addition in this subparagraph is intended
956 to ensure that the same amount is not allowed for the tax
957 purposes of this state as both a deduction from income and a
958 credit against the tax. This addition is not intended to result
959 in adding the same expense back to income more than once.

960 12. The amount taken as a credit for the taxable year

961 under s. 220.192.

962 13. The amount taken as a credit for the taxable year
963 under s. 220.193.

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

967 15. The costs to acquire a tax credit pursuant to s.
968 288.1254(5) that are deducted from or otherwise reduce federal
969 taxable income for the taxable year.

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

972 17. The amount taken as a credit for the taxable year
973 under s. 220.196. The addition in this subparagraph is intended
974 to ensure that the same amount is not allowed for the tax
975 purposes of this state as both a deduction from income and a
976 credit against the tax. The addition is not intended to result
977 in adding the same expense back to income more than once.

978 Section 20. Subsection (9) of section 220.181, Florida
979 Statutes, is amended to read:

980 220.181 Enterprise zone jobs credit.—

981 ~~(9) This section, except paragraph (1)(c) and subsection~~
982 ~~(8), expires on the date specified in s. 290.016 for the~~
983 ~~expiration of the Florida Enterprise Zone Act, and a business~~
984 ~~may not begin claiming the enterprise zone jobs credit after~~

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985 ~~that date; however, the expiration of this section does not~~
986 ~~affect the operation of any credit for which a business has~~
987 ~~qualified under this section before that date, or any~~
988 ~~carryforward of unused credit amounts as provided in paragraph~~
989 ~~(1)(c).~~

990 Section 21. Subsection (14) of section 220.182, Florida
991 Statutes, is amended to read:

992 220.182 Enterprise zone property tax credit.—

993 ~~(14) This section expires on the date specified in s.~~
994 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
995 ~~and a business may not begin claiming the enterprise zone~~
996 ~~property tax credit after that date; however, the expiration of~~
997 ~~this section does not affect the operation of any credit for~~
998 ~~which a business has qualified under this section before that~~
999 ~~date, or any carryforward of unused credit amounts as provided~~
1000 ~~in paragraph (1)(b).~~

1001 Section 22. This act shall take effect July 1, 2015.