

By Senator Clemens

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1 A bill to be entitled
 2 An act relating to the Energy Economic Zone Program;
 3 amending s. 377.809, F.S.; specifying that the Energy
 4 Economic Zone Program is no longer a pilot program and
 5 shall be administered by the Department of Economic
 6 Opportunity; correcting a cross-reference; deleting a
 7 provision that required the department to consult with
 8 the Department of Transportation in implementing the
 9 program; deleting a requirement that at least one
 10 application be selected for the program; deleting
 11 obsolete provisions; deleting a provision specifying
 12 that certain residency requirements be based on
 13 residency in the economic zone; providing an effective
 14 date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 377.809, Florida Statutes, is amended to
 19 read:

20 377.809 Energy Economic Zone ~~Pilot~~ Program.—

21 (1) The Department of Economic Opportunity, ~~in consultation~~
 22 ~~with the Department of Transportation,~~ shall administer the
 23 ~~implement an~~ Energy Economic Zone ~~Pilot~~ Program ~~for the purpose~~
 24 ~~of developing a model~~ to help communities cultivate green
 25 economic development, encourage renewable electric energy
 26 generation, manufacture products that contribute to energy
 27 conservation and green jobs, and further implement chapter 2008-
 28 191, Laws of Florida, relative to discouraging sprawl and
 29 developing energy-efficient land use patterns and greenhouse gas

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30 reduction strategies. The Department of Agriculture and Consumer
31 Services shall provide technical assistance to the department
32 ~~departments~~ in ~~developing and~~ administering the program.

33 (2) (a) The application for an Energy Economic Zone
34 designation must ~~a pilot project shall~~:

35 1. Identify the proposed location of the energy economic
36 zone, which must be within an adopted urban service area and may
37 include a county landfill outside the urban service boundary;

38 2. Present a proposed strategic plan for development and
39 redevelopment in the energy economic zone;

40 3. Demonstrate consistency of the strategic plan with the
41 local comprehensive plan or include proposed plan amendments
42 necessary to achieve consistency; and

43 4. Identify comprehensive plan amendments that will be
44 proposed to implement chapter 2008-191, Laws of Florida.

45 (b) The strategic plan under subparagraph (a) 2. ~~subparagraph~~
46 ~~(a) 1.~~ must include mixed-use and form-based standards that
47 integrate multimodal transportation facilities with land use and
48 development patterns to reduce reliance on automobiles,
49 encourage certified green building developments and renewable
50 energy systems, encourage creation of green jobs, and
51 demonstrate how local financial and regulatory incentives will
52 be used in the energy economic zone.

53 (c) The Department of Economic Opportunity shall grant the
54 Energy Economic Zone designation ~~at least one application~~ if the
55 application meets the requirements of this subsection and the
56 community has demonstrated a prior commitment to energy
57 conservation, carbon reduction, green building, and economic
58 development. The Department of Economic Opportunity shall

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59 provide the designated ~~pilot~~ community, including businesses
60 within the energy economic zone, with technical assistance in
61 identifying and qualifying for eligible grants and credits in
62 job creation, energy, and other areas.

63 ~~(3) The Department of Economic Opportunity shall submit a~~
64 ~~report to the Governor, the President of the Senate, and the~~
65 ~~Speaker of the House of Representatives by February 15, 2015,~~
66 ~~evaluating whether the pilot program has demonstrated success.~~
67 ~~The report shall contain recommendations with regard to whether~~
68 ~~the program should be expanded for use by other local~~
69 ~~governments and whether state policies should be revised to~~
70 ~~encourage the goals of the program.~~

71 ~~(3) (a) (4) (a) Beginning July 1, 2012,~~ All the incentives and
72 benefits provided for in this subsection are only available to
73 the enterprise zones pursuant to state law shall be available to
74 ~~the energy economic zones designated pursuant to this section on~~
75 ~~or before July 1, 2010. In order to provide incentives, by March~~
76 ~~1, 2012, each~~ local governing body that has jurisdiction over an
77 energy economic zone and that has ~~must~~, by local ordinance,
78 established ~~establish~~ the boundary of the energy economic zone,
79 ~~specify applicable energy efficiency standards,~~ and determined
80 ~~determine~~ eligibility criteria for the application of state and
81 local incentives and benefits in the energy economic zone.
82 However, in order to receive benefits provided under s. 288.106,
83 a business must be a qualified target industry business under s.
84 288.106 for state purposes. An energy economic zone's boundary
85 may be revised by local ordinance. Such incentives and benefits
86 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
87 288.106, and 624.5105 and the public utility discounts provided

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88 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)
89 shall be for renewable energy as defined in s. 377.803. ~~For~~
90 ~~purposes of this section, any applicable requirements for~~
91 ~~employee residency for higher refund or credit thresholds must~~
92 ~~be based on employee residency in the energy economic zone or an~~
93 ~~enterprise zone.~~ A business in an energy economic zone may also
94 be eligible for funding under ss. 288.047 and 445.003, and a
95 transportation project in an energy economic zone shall be
96 provided priority in funding under s. 339.2821. Other projects
97 shall be given priority ranking to the extent practicable for
98 grants administered under state energy programs.

99 (b) ~~Effective July 1, 2012,~~ The total amount of state
100 credits, refunds, and exemptions that may be provided by the
101 governing body of each energy economic zone to eligible
102 businesses for energy-economic-zone incentives pursuant to
103 paragraph (a) is \$300,000 per designated energy economic zone in
104 any state fiscal year. The governing body of an energy economic
105 zone shall disallow a credit or refund for which an application
106 is submitted after the zone's ~~respective~~ \$300,000 limit is
107 reached. If the \$300,000 incentive cap is not fully used in any
108 one state fiscal year by an energy economic zone, the unused
109 amount under the cap may be carried forward for up to 5 years.
110 The local governing body that has jurisdiction over the energy
111 economic zone is responsible for allocating the incentives, for
112 verifying that businesses receiving such incentives are eligible
113 for the incentives provided, and for ensuring that the
114 incentives provided do not exceed the cap for the state fiscal
115 year.

116 (c) Upon approving an incentive for an eligible business,

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117 the governing body that has jurisdiction over the energy
118 economic zone shall provide the taxpayer with a certificate
119 indicating the name and federal identification number of the
120 eligible business, the date the incentive is provided, the name
121 of the energy economic zone, the incentive type, and the
122 incentive amount. The local governing body shall certify to the
123 Department of Revenue or the Department of Economic Opportunity,
124 whichever is applicable, which businesses or properties are
125 eligible to receive any or all of the state incentives according
126 to their statutory requirements. The governing body that has
127 jurisdiction over the energy economic zone shall provide a copy
128 of the certificate to the Department of Revenue and the
129 Department of Economic Opportunity as notification that such
130 incentives were approved for the specific eligible business or
131 property. For incentives to be claimed against the sales and use
132 tax under chapter 212, the Department of Revenue shall send,
133 within 14 days after receipt, written instructions to an
134 eligible business on how to claim the credit on a sales and use
135 tax return initiated through an electronic data interchange. Any
136 credit against the sales and use tax shall be deducted from any
137 sales and use tax remitted by the dealer to the Department of
138 Revenue by electronic funds transfer and may be deducted only on
139 a sales and use tax return initiated through an electronic data
140 interchange. The dealer shall separately state the credit on the
141 electronic return. The net amount of tax due and payable must be
142 remitted by electronic funds transfer. If the credit exceeds the
143 amount owed on the sales and use tax return, such excess amount
144 may be carried forward for a period not to exceed 12 months
145 after the date that the credit is initially claimed.

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146 (d) If all conditions are deemed met, the Department of
147 Economic Opportunity and the Department of Revenue may adopt
148 emergency rules pursuant to ss. 120.536(1) and 120.54 to
149 administer this subsection. The emergency rules shall remain in
150 effect for 6 months after the rules are adopted, and the rules
151 may be renewed while the procedures to adopt permanent rules
152 addressing the subject of the emergency rules are pending.

153 Section 2. This act shall take effect July 1, 2017.