

By Senator Steube

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1 A bill to be entitled
2 An act relating to a sales tax refund for eligible job
3 training organizations; creating s. 212.099, F.S.;
4 defining terms; providing a specified sales tax refund
5 to eligible businesses providing job training and
6 employment services to certain individuals; requiring
7 that the refund be used exclusively for specified
8 purposes; specifying the limit on the total amount of
9 refunds issued annually; requiring that refunds be
10 granted on a first-come, first-served basis; providing
11 application requirements and procedures for
12 certification with the Department of Economic
13 Opportunity; providing that a certification remains in
14 effect so long as an eligible business complies with
15 certain requirements; specifying requirements for the
16 Department of Economic Opportunity relating to
17 certification decisions and eligibility; prohibiting
18 the Department of Revenue from issuing refunds after
19 receiving a certain notification from the Department
20 of Economic Opportunity; providing requirements for
21 eligible businesses applying for refunds with the
22 Department of Revenue; providing construction;
23 requiring eligible businesses to provide a specified
24 annual report to the Department of Economic
25 Opportunity; authorizing the Department of Economic
26 Opportunity to adopt rules; authorizing the Department
27 of Revenue to examine any granted refunds within a
28 specified timeframe; providing that overpaid refunds
29 or refunds issued to ineligible businesses are subject

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30 to repayment and certain interest provisions;
31 providing an effective date.

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

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35 Section 1. Section 212.099, Florida Statutes, is created to
36 read:

37 212.099 Sales tax refund for eligible job training
38 organizations.-

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

40 (a) "Capital costs" means the costs of construction,
41 improvements, or renovations or the costs associated with the
42 purchase of equipment, the purpose of which is to expand
43 employment opportunities. The term does not include the cost of
44 real property.

45 (b) "Eligible business" means an organization that:

46 1. Is an exempt organization under s. 501(c)(3) of the
47 Internal Revenue Code of 1986, as amended;

48 2. Provides job training and employment services to low-
49 income persons as defined in s. 420.0004, individuals who have
50 workplace disadvantages, or individuals with barriers to
51 employment;

52 3. Is accredited by the Commission on Accreditation of
53 Rehabilitation Facilities; and

54 4. Is certified by the Department of Economic Opportunity
55 as meeting the requirements of this section.

56 (c) "Growth in employment hours" means the annual growth in
57 hours worked at the eligible business.

58 (d) "Job training and employment services" means programs

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59 and services that improve workers' job readiness, assist them in
60 gaining employment and adapting to the changing labor market,
61 and help them achieve employment success through self-
62 sufficiency.

63 (2) An eligible business is entitled to a refund of 10
64 percent of the sales tax remitted to the department during the
65 prior state fiscal year on its sales of goods donated to the
66 business. The refund must be reserved exclusively for use in any
67 of the following:

68 (a) Growth in employment hours.

69 (b) Job training and employment services to low-income
70 persons as defined in s. 420.0004, individuals who have
71 workplace disadvantages, or individuals with barriers to
72 employment.

73 (c) Job training and employment services for veterans.

74 (d) Capital costs.

75 (3) The total amount of refunds issued under this section
76 may not exceed \$2 million in any state fiscal year, and refunds
77 must be granted on a first-come, first-served basis.

78 (4) A business seeking a refund under this section must
79 submit an initial application to the Department of Economic
80 Opportunity by July 15 which sets forth that the business meets
81 the requirements under paragraph (1)(b) and that the refund will
82 be used exclusively for the purposes under subsection (2). The
83 business may submit supporting information as prescribed by
84 rule.

85 (5) (a) The Department of Economic Opportunity must verify
86 the application and notify the business of its determination
87 within 15 days after receiving the application. If the

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88 Department of Economic Opportunity approves the application, it
89 must send the eligible business a notice indicating that the
90 business is certified to receive a refund of certain sales and
91 use tax remitted under this chapter. Upon the Department of
92 Economic Opportunity's issuance of a certification, the
93 certification remains in effect so long as the eligible business
94 is in compliance with this section.

95 (b) The decision of the Department of Economic Opportunity
96 must be in writing or may be provided by e-mail if agreed to by
97 the eligible business. Upon approval, the Department of Economic
98 Opportunity shall transmit a copy of the decision to the
99 department.

100 (c) If the Department of Economic Opportunity determines
101 that an eligible business no longer qualifies for the refund
102 under this section, the Department of Economic Opportunity must
103 immediately notify the department. The department may not issue
104 a refund after receiving such notification.

105 (6) An eligible business certified under this section must
106 apply to the department between August 1 and August 31 of each
107 year it seeks a refund. The first application for a refund
108 submitted to the department must be accompanied by a copy of the
109 certification.

110 (7) For purposes of this section, an eligible business
111 consisting of commonly owned and controlled entities is deemed
112 to be a single business entity.

113 (8) By July 15 of each year, an eligible business must
114 provide a report to the Department of Economic Opportunity which
115 describes the use of the amount refunded. The report must
116 include all of the following:

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- 117 (a) The amount of the refund used for capital costs.
- 118 (b) The amount of the refund used to create growth in
119 employment hours.
- 120 (c) The total annual growth in employment hours.
- 121 (d) The amount of the refund used for job training and
122 employment services.
- 123 (e) The number of individuals who participated in job
124 training and employment services at the eligible business for
125 the fiscal year in which the requested funds were remitted to
126 the department.
- 127 (f) A statement declaring that the eligible business
128 continues to meet the requirements of this section.
- 129 (9) (a) The Department of Economic Opportunity may adopt
130 rules necessary to administer this section, including rules for
131 the approval and disapproval of applications by businesses.
- 132 (b) Notwithstanding s. 95.091(3)(a)6.b., the department may
133 examine any refund within 4 years after the date the refund is
134 granted. The overpayment of a refund or a refund issued to an
135 ineligible business is subject to repayment and interest at the
136 rate calculated pursuant to s. 213.235.
- 137 Section 2. This act shall take effect July 1, 2018.