

By Senator Gruters

23-00630B-20

2020922__

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 288.106, F.S.; authorizing a qualified target industry
4 business located in a county affected by Hurricane
5 Michael to submit a request to the Department of
6 Economic Opportunity for an economic recovery
7 extension in lieu of a tax refund claim scheduled to
8 be submitted during a specified timeframe; authorizing
9 the department to waive certain requirements during a
10 specified timeframe; requiring the department to state
11 any waiver in writing; providing that certain
12 businesses are eligible for a specified tax refund
13 payment; defining the term "county affected by
14 Hurricane Michael"; deleting obsolete provisions;
15 deleting a provision relating to the future expiration
16 of certification for the tax refund program for
17 qualified target industry businesses; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (b) of subsection (5) and subsections
23 (8) and (9) of section 288.106, Florida Statutes, are amended to
24 read:

25 288.106 Tax refund program for qualified target industry
26 businesses.—

27 (5) TAX REFUND AGREEMENT.—

28 (b) Compliance with the terms and conditions of the
29 agreement is a condition precedent for the receipt of a tax

23-00630B-20

2020922__

30 refund each year. The failure to comply with the terms and
31 conditions of the tax refund agreement results in the loss of
32 eligibility for receipt of all tax refunds previously authorized
33 under this section and the revocation by the department of the
34 certification of the business entity as a qualified target
35 industry business, unless the business is eligible to receive
36 and elects to accept a prorated refund under paragraph (6)(e) or
37 the department grants the business an economic recovery
38 extension.

39 1. A qualified target industry business may submit a
40 request to the department for an economic recovery extension.
41 The request must provide quantitative evidence demonstrating how
42 negative economic conditions in the business's industry, the
43 effects of a named hurricane or tropical storm, or specific acts
44 of terrorism affecting the qualified target industry business
45 have prevented the business from complying with the terms and
46 conditions of its tax refund agreement.

47 2. Upon receipt of a request under subparagraph 1., the
48 department has 45 days to notify the requesting business, in
49 writing, whether its extension has been granted or denied. In
50 determining whether an extension should be granted, the
51 department shall consider the extent to which negative economic
52 conditions in the requesting business's industry have occurred
53 in the state or the effects of a named hurricane or tropical
54 storm or specific acts of terrorism affecting the qualified
55 target industry business have prevented the business from
56 complying with the terms and conditions of its tax refund
57 agreement. The department shall consider current employment
58 statistics for this state by industry, including whether the

23-00630B-20

2020922__

59 business's industry had substantial job loss during the prior
60 year, when determining whether an extension shall be granted.

61 3. As a condition for receiving a prorated refund under
62 paragraph (6) (e) or an economic recovery extension under this
63 paragraph, a qualified target industry business must agree to
64 renegotiate its tax refund agreement with the department to, at
65 a minimum, ensure that the terms of the agreement comply with
66 current law and the department's procedures governing
67 application for and award of tax refunds. Upon approving the
68 award of a prorated refund or granting an economic recovery
69 extension, the department shall renegotiate the tax refund
70 agreement with the business as required by this subparagraph.
71 When amending the agreement of a business receiving an economic
72 recovery extension, the department may extend the duration of
73 the agreement for a period not to exceed 2 years.

74 4. A qualified target industry business located in a county
75 affected by Hurricane Michael, as defined in subsection (8), may
76 submit a request for an economic recovery extension to the
77 department in lieu of any tax refund claim scheduled to be
78 submitted after January 1, 2021 ~~2009~~, but before July 1, 2023
79 ~~2012~~.

80 5. A qualified target industry business that receives an
81 economic recovery extension may not receive a tax refund for the
82 period covered by the extension.

83 (8) SPECIAL INCENTIVES.—If the department determines it is
84 in the best interest of the public for reasons of facilitating
85 economic development, growth, or new employment opportunities
86 within a ~~Disproportionally Affected~~ county affected by Hurricane
87 Michael, the department ~~may~~, between July 1, 2020 ~~2011~~, and June

23-00630B-20

2020922__

88 30, 2023 ~~2014~~, may waive ~~any or all~~ wage or local financial
89 support eligibility requirements. If the department elects to
90 waive wage or financial support eligibility requirements, the
91 waiver must be stated in writing. ~~and allow~~ A qualified target
92 industry business that relocates from another state to, or
93 establishes ~~which relocates all or a portion of its business or~~
94 expands its existing business in, a ~~to a~~ Disproportionally
95 Affected county affected by Hurricane Michael is eligible to
96 receive a tax refund payment of up to \$10,000 ~~\$6,000~~ multiplied
97 by the number of jobs specified in the tax refund agreement
98 under subparagraph (5) (a)1. over the term of the agreement.
99 ~~Prior to granting such waiver, the executive director of the~~
100 ~~department shall file with the Governor a written statement of~~
101 ~~the conditions and circumstances constituting the reason for the~~
102 ~~waiver.~~ Such business shall be eligible for the additional tax
103 refund payments specified in subparagraph (3) (b)4. if it meets
104 the criteria. As used in this section, the term
105 "Disproportionally Affected county affected by Hurricane
106 Michael" means Bay County, Calhoun County ~~Escambia County,~~
107 Franklin County, Gadsden County, Gulf County, Holmes County,
108 Jackson County, Jefferson County, Leon County, Liberty County,
109 Okaloosa County, Santa Rosa County, Walton County, or Wakulla
110 County, Walton County, or Washington County.

111 ~~(9) EXPIRATION. An applicant may not be certified as~~
112 ~~qualified under this section after June 30, 2020. A tax refund~~
113 ~~agreement existing on that date shall continue in effect in~~
114 ~~accordance with its terms.~~

115 Section 2. This act shall take effect July 1, 2020.