



264886

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2022	.	
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The Committee on Finance and Tax (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (35) is added to section 212.02,  
Florida Statutes, to read:

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



264886

11 (35) "Opportunity zone" means a population census tract  
12 designated by the United States Department of the Treasury as a  
13 qualified opportunity zone pursuant to s. 1400Z-1(b)(1)(B) of  
14 the Internal Revenue Code and located in a rural community as  
15 defined in s. 288.0656.

16 Section 2. Paragraph (v) is added to subsection (5) of  
17 section 212.08, Florida Statutes, and subsection (19) is added  
18 to that section, to read:

19 212.08 Sales, rental, use, consumption, distribution, and  
20 storage tax; specified exemptions.—The sale at retail, the  
21 rental, the use, the consumption, the distribution, and the  
22 storage to be used or consumed in this state of the following  
23 are hereby specifically exempt from the tax imposed by this  
24 chapter.

25 (5) EXEMPTIONS; ACCOUNT OF USE.—

26 (v) Building materials used in the rehabilitation of real  
27 property located in an opportunity zone.—

28 1. For the purposes of the exemption provided in this  
29 paragraph, the term:

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

32 b. "Real property" has the same meaning as provided in s.  
33 192.001(12), except that the term does not include a condominium  
34 parcel or condominium property as defined in s. 718.103.

35 c. "Rehabilitation of real property" means the  
36 reconstruction, renovation, restoration, rehabilitation,  
37 construction, or expansion of improvements to real property.

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



264886

40           2. Building materials used in the rehabilitation of real  
41 property are exempt from the tax imposed by this chapter upon an  
42 affirmative showing to the satisfaction of the department that  
43 the items have been used for the rehabilitation of real property  
44 located in an opportunity zone. This exemption inures to the  
45 owner, lessee, or lessor at the time the real property is  
46 rehabilitated, but only through a refund of previously paid  
47 taxes. To receive a refund pursuant to this paragraph, the  
48 owner, lessee, or lessor of the rehabilitated real property must  
49 file an application under oath with the governing body having  
50 jurisdiction over the opportunity zone where the property is  
51 located, as applicable. A single application for a refund may be  
52 submitted for multiple, contiguous parcels that were part of a  
53 single parcel divided as part of the rehabilitation of the real  
54 property. All other requirements of this paragraph apply to each  
55 parcel on an individual basis. The application must include all  
56 of the following:

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

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

61           c. A description of the improvements made to accomplish the  
62 rehabilitation of the real property.

63           d. A copy of a valid building permit issued by the county  
64 or municipal building department for the rehabilitation of the  
65 real property.

66           e. A sworn statement, under penalty of perjury, from the  
67 general contractor licensed in this state with whom the  
68 applicant contracted to make the improvements necessary to



264886

69 rehabilitate the real property. The sworn statement must list  
70 the building materials used to rehabilitate the real property,  
71 the actual cost of the building materials, and the amount of  
72 sales tax paid in this state on the building materials. If a  
73 general contractor was not used, the applicant, not a general  
74 contractor, shall make the sworn statement required by this sub-  
75 subparagraph. Copies of the invoices that show the purchase of  
76 the building materials used in the rehabilitation and the  
77 payment of sales tax on the building materials must be attached  
78 to the sworn statement provided by the general contractor or by  
79 the applicant. Unless the actual cost of building materials used  
80 in the rehabilitation of real property and the payment of sales  
81 taxes are documented by a general contractor or by the applicant  
82 in this manner, the cost of the building materials is deemed to  
83 be an amount equal to 40 percent of the increase in assessed  
84 value for ad valorem tax purposes.

85 f. The census tract number of the opportunity zone in which  
86 the rehabilitated real property is located.

87 g. A certification by the local building code inspector  
88 that the improvements necessary to rehabilitate the real  
89 property are substantially completed.

90 3. Within 10 working days after receipt of an application,  
91 the governing body shall review the application to determine if  
92 it contains all the information required by subparagraph 1. and  
93 meets the criteria set forth in this paragraph. The governing  
94 body shall certify all applications that contain the required  
95 information and are eligible to receive a refund. The  
96 certification must be in writing, and a copy of the  
97 certification shall be transmitted to the executive director of



264886

98 the department. The applicant is responsible for forwarding a  
99 certified application to the department within the time  
100 specified in subparagraph 4.

101 4. An application for a refund must be submitted to the  
102 department within 6 months after the rehabilitation of the real  
103 property is deemed to be substantially completed by the local  
104 building code inspector or by November 1 after the rehabilitated  
105 real property is first subject to assessment.

106 5. Only one exemption through a refund of previously paid  
107 taxes for the rehabilitation of real property is allowed for any  
108 single parcel of real property unless there is a change in  
109 ownership, a new lessor, or a new lessee of the real property. A  
110 refund may not be granted unless the amount to be refunded  
111 exceeds \$500. A refund may not exceed the lesser of 97 percent  
112 of the Florida sales or use tax paid on the cost of the building  
113 materials used in the rehabilitation of the real property, as  
114 determined pursuant to sub-subparagraph 2.e., or \$7,500. The  
115 department shall make the refund within 30 days after formally  
116 approving the application.

117 6. The department shall adopt rules governing the manner  
118 and form of refund applications and may establish guidelines as  
119 to the requisites for an affirmative showing of qualification  
120 for exemption under this paragraph.

121 (19) ENERGY USED IN AN OPPORTUNITY ZONE.—

122 (a) Beginning July 1, 2023, a qualified business that uses  
123 electrical energy, natural gas, or propane at a fixed location  
124 in an opportunity zone in a municipality that has enacted an  
125 ordinance pursuant to s. 166.231(9) which provides for exemption  
126 of municipal utility taxes on such businesses shall receive an



264886

127 exemption equal to 50 percent of the tax imposed by this  
128 chapter. A qualified business may receive such exemption for a  
129 period of 5 years from the billing period beginning not more  
130 than 30 days following the department notifying the applicable  
131 utility company that an exemption has been authorized pursuant  
132 to this subsection and s. 166.231(9).

133 (b) To receive this exemption, a business must file an  
134 application with the department on a form provided for the  
135 purposes of this subsection and s. 166.231(9). The application  
136 must be made under oath and include all of the following:

- 137 1. The name and location of the business.  
138 2. The census tract number of the opportunity zone in which  
139 the business is located.  
140 3. The date on which electrical, natural gas, or propane  
141 service is to be first initiated at the business.  
142 4. The name and mailing address of the entity from which  
143 electrical energy, natural gas, or propane is to be purchased.  
144 5. The date of the application.  
145 6. The name of the city in which the business is located.

146 (c) An application for an exemption under this subsection  
147 must be submitted to the department within 6 months after the  
148 occurrence of the appropriate qualifying provision set out in  
149 paragraph (f).

150 (d) If, in a subsequent audit conducted by the department,  
151 it is determined that the business did not meet the criteria  
152 mandated in this subsection, the amount of taxes exempted shall  
153 immediately be due and payable to the department by the  
154 business, together with the appropriate interest and penalty,  
155 computed from the due date of each bill for the electrical



264886

156 energy, natural gas, or propane purchased as exempt under this  
157 subsection, in the manner prescribed by this chapter.

158 (e) The department shall adopt rules governing applications  
159 and the required forms for, and issuance of, the exemption  
160 authorized in this subsection and provisions for recapture of  
161 taxes exempted under this subsection, and the department may  
162 establish guidelines as to qualifications for the exemption.

163 (f) For the purpose of the exemption provided in this  
164 subsection, the term "qualified business" means a business that  
165 is:

166 1. First occupying a new structure to which electrical,  
167 natural gas, or propane service, other than that used for  
168 construction purposes, has not been previously provided or  
169 furnished;

170 2. Newly occupying an existing, remodeled, renovated, or  
171 rehabilitated structure to which electrical, natural gas, or  
172 propane service, other than that used for remodeling,  
173 renovation, or rehabilitation of the structure, has not been  
174 provided or furnished in the three preceding billing periods; or

175 3. Occupying a new, remodeled, rebuilt, renovated, or  
176 rehabilitated structure for which a refund has been granted  
177 pursuant to paragraph (5) (v).

178 Section 3. Paragraph (d) of subsection (1) of section  
179 288.018, Florida Statutes, is amended to read:

180 288.018 Regional Rural Development Grants Program.—

181 (1)

182 (d) Grant funds received by a regional economic development  
183 organization must be matched each year by nonstate financial or  
184 in-kind contributions ~~resources~~ in an amount equal to 15 ~~25~~



264886

185 percent of the state contribution.

186 Section 4. Paragraph (c) of subsection (2) of section  
187 288.065, Florida Statutes, is amended to read:

188 288.065 Rural Community Development Revolving Loan Fund.—  
189 (2)

190 (c) All repayments of principal and interest shall be  
191 returned to the loan fund and made available for loans to other  
192 applicants. However, in a rural area of opportunity designated  
193 by the Governor, and upon approval by the department, repayments  
194 of principal and interest may be retained by the applicant if  
195 such repayments are dedicated ~~and matched~~ to fund regionally  
196 based economic development organizations representing the rural  
197 area of opportunity.

198 Section 5. Subsection (1), paragraphs (b), (c), and (e) of  
199 subsection (2), and subsection (3) of section 288.0655, Florida  
200 Statutes, are amended to read:

201 288.0655 Rural Infrastructure Fund.—

202 (1) There is created within the department the Rural  
203 Infrastructure Fund to facilitate the planning, preparing, and  
204 financing of infrastructure ~~projects~~ in rural communities which  
205 will encourage job creation, capital investment, and the  
206 strengthening and diversification of rural economies by  
207 promoting tourism, trade, and economic development.

208 (2)

209 (b) To facilitate access of rural communities and rural  
210 areas of opportunity as defined by the Rural Economic  
211 Development Initiative to infrastructure funding programs of the  
212 Federal Government, such as those offered by the United States  
213 Department of Agriculture and the United States Department of





264886

214 Commerce, and state programs, including those offered by Rural  
215 Economic Development Initiative agencies, and to facilitate  
216 local government or private infrastructure funding efforts, the  
217 department may award grants for up to 75 ~~50~~ percent of the total  
218 infrastructure ~~project~~ cost. ~~Eligible projects must be related~~  
219 ~~to specific job creation or job retention opportunities.~~  
220 Eligible uses of funds ~~projects~~ may ~~also~~ include improving any  
221 inadequate infrastructure that has resulted in regulatory action  
222 that prohibits economic or community growth, reducing the costs  
223 to community users of proposed infrastructure improvements that  
224 exceed such costs in comparable communities, and improving  
225 access to and the availability of broadband Internet service.  
226 Eligible uses of funds shall include improvements to public  
227 infrastructure for industrial or commercial sites, upgrades to  
228 or development of public tourism infrastructure, and  
229 improvements to broadband Internet service and access in  
230 unserved or underserved rural communities. Improvements to  
231 broadband Internet service and access must be conducted through  
232 a partnership or partnerships with one or more dealers, as  
233 defined in s. 202.11(2), and the partnership or partnerships  
234 must be established through a competitive selection process that  
235 is publicly noticed. Authorized infrastructure may include the  
236 following public or public-private partnership facilities: storm  
237 water systems; telecommunications facilities; broadband  
238 facilities; roads or other remedies to transportation  
239 impediments; nature-based tourism facilities; or other physical  
240 requirements necessary to facilitate tourism, trade, and  
241 economic development activities in the community. Authorized  
242 infrastructure may also include publicly or privately owned



264886

243 self-powered nature-based tourism facilities, publicly owned  
244 telecommunications facilities, and broadband facilities, and  
245 additions to the distribution facilities of the existing natural  
246 gas utility as defined in s. 366.04(3)(c), the existing electric  
247 utility as defined in s. 366.02, or the existing water or  
248 wastewater utility as defined in s. 367.021(12), or any other  
249 existing water or wastewater facility, which owns a gas or  
250 electric distribution system or a water or wastewater system in  
251 this state where:

252 1. A contribution-in-aid of construction is required to  
253 serve public or public-private partnership facilities under the  
254 tariffs of any natural gas, electric, water, or wastewater  
255 utility as defined herein; and

256 2. Such utilities as defined herein are willing and able to  
257 provide such service.

258 ~~(c) To facilitate timely response and induce the location~~  
259 ~~or expansion of specific job creating opportunities, The~~  
260 department may award grants of up to \$300,000 for infrastructure  
261 feasibility studies, design and engineering activities, or other  
262 infrastructure planning and preparation activities. ~~Authorized~~  
263 ~~grants shall be up to \$50,000 for an employment project with a~~  
264 ~~business committed to create at least 100 jobs; up to \$150,000~~  
265 ~~for an employment project with a business committed to create at~~  
266 ~~least 300 jobs; and up to \$300,000 for a project in a rural area~~  
267 ~~of opportunity. Grants awarded under this paragraph may be used~~  
268 in conjunction with grants awarded under paragraph (b), ~~provided~~  
269 ~~that the total amount of both grants does not exceed 30 percent~~  
270 ~~of the total project cost. In evaluating applications under this~~  
271 paragraph, the department shall consider the extent to which the



264886

272 application seeks to minimize administrative and consultant  
273 expenses.

274 (e) To enable local governments to access the resources  
275 available pursuant to s. 403.973(18), the department may award  
276 grants for surveys, feasibility studies, and other activities  
277 related to the identification and preclearance review of land  
278 which is suitable for preclearance review. Authorized grants  
279 under this paragraph do not require a local match and may not  
280 exceed \$75,000 each, except in the case of a project in a rural  
281 area of opportunity, in which case the grant may not exceed  
282 \$300,000. ~~Any funds awarded under this paragraph must be matched~~  
283 ~~at a level of 50 percent with local funds, except that any funds~~  
284 ~~awarded for a project in a rural area of opportunity must be~~  
285 ~~matched at a level of 33 percent with local funds. If an~~  
286 ~~application for funding is for a catalyst site, as defined in s.~~  
287 ~~288.0656, the requirement for local match may be waived pursuant~~  
288 ~~to the process in s. 288.06561.~~ In evaluating applications under  
289 this paragraph, the department shall consider the extent to  
290 which the application seeks to minimize administrative and  
291 consultant expenses.

292 (3) The department, in consultation with Enterprise  
293 Florida, Inc., the Florida Tourism Industry Marketing  
294 Corporation, the Department of Environmental Protection, and the  
295 Florida Fish and Wildlife Conservation Commission, as  
296 appropriate, shall review and certify applications pursuant to  
297 s. 288.061. The review shall include an evaluation of the  
298 economic benefit ~~of the projects and their~~ long-term viability.  
299 The department shall have final approval for any grant under  
300 this section.



264886

301 Section 6. Section 288.066, Florida Statutes, is created to  
302 read:

303 288.066 Rural opportunity tax refund program.—

304 (1) DEFINITIONS.—As used in this section:

305 (a) "Account" means the Economic Development Incentives  
306 Account within the Economic Development Trust Fund established  
307 under s. 288.095.

308 (b) "Authorized local economic development agency" means a  
309 public or private entity, including an entity defined in s.  
310 288.075, authorized by a county or municipality to promote the  
311 general business or industrial interests of that county or  
312 municipality.

313 (c) "Average private sector wage in the area" means the  
314 statewide private sector average wage or the average of all  
315 private sector wages and salaries in the county or in the  
316 standard metropolitan area in which the business is located.

317 (d) "Business" means an employing unit, as defined in s.  
318 443.036, registered for reemployment assistance purposes with  
319 the state agency providing reemployment assistance tax  
320 collection services under an interagency agreement pursuant to  
321 s. 443.1316, or a subcategory or division of an employing unit  
322 accepted by the state agency providing reemployment assistance  
323 tax collection services as a reporting unit.

324 (e) "Corporate headquarters business" means an  
325 international, national, or regional headquarters office of a  
326 multinational or multistate business enterprise or national  
327 trade association, whether separate from or connected with other  
328 facilities used by such business.

329 (f) "Expansion of an existing business" means the expansion



264886

330 of an existing Florida business by or through additions to real  
331 and personal property, resulting in a net increase in  
332 employment.

333 (g) "Fiscal year" means the fiscal year of the state.

334 (h) "Jobs" means full-time equivalent positions, including,  
335 but not limited to, positions obtained from a temporary  
336 employment agency or employee leasing company or through a union  
337 agreement or coemployment under a professional employer  
338 organization agreement, that result directly from a project in  
339 this state. The term does not include temporary construction  
340 jobs involved with the construction of facilities for the  
341 project or any jobs previously included in any application for  
342 tax refunds under s. 288.1045 or this section.

343 (i) "Local financial support" means funding from local  
344 sources, public or private, which is paid to the Economic  
345 Development Trust Fund and which is equal to 20 percent of the  
346 annual tax refund for a qualified target industry business. A  
347 qualified target industry business may not provide, directly or  
348 indirectly, more than 5 percent of such funding in any fiscal  
349 year. The sources of such funding may not include, directly or  
350 indirectly, state funds appropriated from the General Revenue  
351 Fund or any state trust fund, excluding tax revenues shared with  
352 local governments pursuant to law.

353 (j) "Local financial support exemption option" means the  
354 option to exercise an exemption from the local financial support  
355 requirement available to any applicant whose project is located  
356 in a brownfield area, a rural city, or a rural community. Any  
357 applicant that exercises this option is not eligible for more  
358 than 80 percent of the total tax refunds allowed such applicant



264886

359 under this section.

360 (k) "New business" means a business that applies for a tax  
361 refund under this section before beginning operations in this  
362 state and that is a legal entity separate from any other  
363 commercial or industrial operations owned by the same business.

364 (l) "Project" means the creation of a new business or  
365 expansion of an existing business.

366 (m) "Qualified target industry business" means a target  
367 industry business approved by the department to be eligible for  
368 tax refunds under this section.

369 (n) "Rural city" means a city having a population of 10,000  
370 or less, or a city having a population of greater than 10,000  
371 but less than 20,000, which has been determined by the  
372 department to have such economic characteristics as, but not  
373 limited to, a significant percentage of residents on public  
374 assistance, a significant percentage of residents with incomes  
375 below the poverty level, or a significant percentage of the  
376 city's employment base in agriculture-related jobs.

377 (o) "Rural community" means:

378 1. A county having a population of 75,000 or less.

379 2. A county having a population of 125,000 or less which is  
380 contiguous to a county having a population of 75,000 or less.

381 3. A municipality within a county described in subparagraph  
382 1. or subparagraph 2.

383

384 For purposes of this paragraph, population shall be determined  
385 in accordance with the most recent official estimate pursuant to  
386 s. 186.901.

387 (p) "Target industry business" means a corporate



264886

388 headquarters business or any business engaged in one of the  
389 target industries identified pursuant to subsection (2). The  
390 term does not include any business engaged in retail industry  
391 activities; any electric utility company as defined in s.  
392 366.02(2); any phosphate or other solid minerals severance,  
393 mining, or processing operation; any oil or gas exploration or  
394 production operation; or any business subject to regulation by  
395 the Division of Hotels and Restaurants of the Department of  
396 Business and Professional Regulation. Any business in NAICS code  
397 5611 or 5614, office administrative services and business  
398 support services, respectively, may be considered a target  
399 industry business only after the local governing body and  
400 Enterprise Florida, Inc., determine that the community where the  
401 business may locate has conditions affecting the fiscal and  
402 economic viability of the local community or area, including,  
403 but not limited to, such factors as low per capita income, high  
404 unemployment, high underemployment, and a lack of year-round  
405 stable employment opportunities, and such conditions may be  
406 improved by the location of such a business to the community. By  
407 January 1 of every 3rd year, beginning January 1, 2023, the  
408 department, in consultation with Enterprise Florida, Inc.,  
409 economic development organizations, the State University System,  
410 local governments, employee and employer organizations, market  
411 analysts, and economists, shall review and, as appropriate,  
412 revise the list of such target industries and submit the list to  
413 the Governor, the President of the Senate, and the Speaker of  
414 the House of Representatives.

415 (q) "Taxable year" has the same meaning as provided in s.  
416 220.03(1)(y).



264886

417       (2) DESIGNATION OF TARGET INDUSTRIES.—In identifying target  
418 industries, the department, in consultation with Enterprise  
419 Florida, Inc., shall consider the following criteria:

420       (a) Future growth.—Whether industry forecasts indicate  
421 strong expectation for future growth in both employment and  
422 output, according to the most recent available data. Special  
423 consideration must be given to businesses that export goods to,  
424 or provide services in, international markets and to businesses  
425 that replace international imports of goods or services.

426       (b) Stability.—Special consideration must be given to an  
427 industry not subject to periodic layoffs, whether due to  
428 seasonality or sensitivity to volatile economic variables, such  
429 as weather. The industry must also be relatively resistant to  
430 recession, so that the demand for products of this industry is  
431 not typically subject to decline during an economic downturn.

432       (c) High wage.—Whether the industry pays relatively high  
433 wages compared to statewide or area averages.

434       (d) Market and resource independent.—Whether industry  
435 business locations are not dependent upon Florida markets or  
436 resources, as indicated by industry analysis, except for  
437 businesses in the renewable energy industry.

438       (e) Industrial base diversification and strengthening.—  
439 Whether the industry is contributing toward expanding or  
440 diversifying the state's or area's economic base, as indicated  
441 by analysis of the industry's share of employment and output,  
442 compared to national and regional trends. Special consideration  
443 must be given to industries that strengthen regional economies  
444 by adding value to basic products or building regional  
445 industrial clusters, as indicated by industry analysis. Special





264886

446 consideration must also be given to the development of strong  
447 industrial clusters that include defense and homeland security  
448 businesses.

449 (f) Positive economic impact.—Whether the industry is  
450 expected to have strong positive economic impacts on or benefits  
451 to the state or regional economies. Special consideration must  
452 be given to industries that facilitate the development of this  
453 state as a hub for domestic and global trade and logistics.

454 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

455 (a) A qualified target industry business may be allowed a  
456 refund from the account for the amount of eligible taxes the  
457 business paid which is certified by the department. The total  
458 amount of refunds for all fiscal years for each qualified target  
459 industry business must be determined pursuant to subsection (4).  
460 The annual amount of a refund to a qualified target industry  
461 business must be determined pursuant to subsection (5).

462 (b) Upon approval by the department, a qualified target  
463 industry business located in a rural community is allowed tax  
464 refund payments equal to \$6,000 multiplied by the number of jobs  
465 the business creates.

466 (c) A qualified target industry business may:

467 1. Receive refunds from the account for the following taxes  
468 due and paid by that business beginning with the first taxable  
469 year of the business which begins after the business has been  
470 certified as a qualified target industry business:

471 a. Corporate income taxes under chapter 220.

472 b. Insurance premium tax under s. 624.509.

473 2. Receive refunds from the account for the following taxes  
474 due and paid by that business after being certified as a



264886

475 qualified target industry business:

476 a. Taxes on sales, use, and other transactions under  
477 chapter 212.

478 b. Intangible personal property taxes under chapter 199.

479 c. Excise taxes on documents under chapter 201.

480 d. Ad valorem taxes paid, as defined in s. 220.03(1).

481 e. State communications services taxes administered under  
482 chapter 202. This provision does not apply to the gross receipts  
483 tax imposed under chapter 203 and administered under chapter 202  
484 or the local communications services tax authorized under s.  
485 202.19.

486 (d) A qualified target industry business may not receive a  
487 refund under this section for any amount of credit, refund, or  
488 exemption previously granted to that business for any of the  
489 taxes listed in paragraph (c). If the department provides a  
490 refund for such taxes and the taxes are subsequently adjusted by  
491 the application of any credit, refund, or exemption granted to  
492 the qualified target industry business other than as provided in  
493 this section, the business must reimburse the account for the  
494 amount of that credit, refund, or exemption. A qualified target  
495 industry business shall notify and tender payment to the  
496 department within 20 days after receiving any credit, refund, or  
497 exemption other than one provided under this section.

498 (e) Refunds made available under this section may not be  
499 expended in connection with the relocation of a business from  
500 one community to another community in this state unless the  
501 department determines that, without such relocation, the  
502 business will move outside this state, or it determines that the  
503 business has a compelling economic rationale for relocation and



264886

504 that the relocation will create additional jobs.

505 (f) A qualified target industry business that fraudulently  
506 claims a refund under this section:

507 1. Is liable for repayment of the amount of the refund to  
508 the account, plus a mandatory penalty in the amount of 200  
509 percent of the tax refund. The repayment shall be deposited into  
510 the General Revenue Fund.

511 2. Commits a felony of the third degree, punishable as  
512 provided in s. 775.082, s. 775.083, or s. 775.084.

513 (4) APPLICATION AND APPROVAL PROCESS.-

514 (a) To apply for certification as a qualified target  
515 industry business under this section, the business must file an  
516 application with the department before the business decides to  
517 locate in this state or before the business decides to expand  
518 its existing operations in this state. The application must  
519 include, but need not be limited to, the following information:

520 1. The applicant's federal employer identification number  
521 and, if applicable, state sales tax registration number.

522 2. The proposed permanent location of the applicant's  
523 facility in this state where the project is to be located.

524 3. A description of the type of business activity or  
525 product covered by the project, including a minimum of a five-  
526 digit NAICS code for all activities included in the project. As  
527 used in this paragraph, the term "NAICS" means those  
528 classifications contained in the North American Industry  
529 Classification System, as published in 2007 by the Office of  
530 Management and Budget, Executive Office of the President, and  
531 updated periodically.

532 4. The proposed number of net new full-time equivalent



264886

533 Florida jobs at the qualified target industry business as of  
534 December 31 of each year included in the project and the average  
535 wage of those jobs. If more than one type of business activity  
536 or product is included in the project, the number of jobs and  
537 average wage for those jobs must be separately stated for each  
538 type of business activity or product.

539 5. The total number of full-time equivalent employees  
540 employed by the applicant in this state, if applicable.

541 6. The anticipated commencement date of the project.

542 7. A brief statement explaining the role that the estimated  
543 tax refunds to be requested will play in the decision of the  
544 applicant to locate or expand in this state.

545 8. An estimate of the proportion of the sales resulting  
546 from the project which will be made outside this state.

547 9. An estimate of the proportion of the cost of the  
548 machinery and equipment, and any other resources necessary in  
549 the development of its product or service, to be used by the  
550 business in its Florida operations which will be purchased  
551 outside this state.

552 10. A resolution adopted by the governing board of the  
553 county or municipality in which the project will be located,  
554 which resolution recommends that the applicant be approved as a  
555 qualified target industry business and specifies that the  
556 commitments of local financial support necessary for the target  
557 industry business exist. Before the passage of such resolution,  
558 the department may also accept an official letter from an  
559 authorized local economic development agency which endorses the  
560 proposed target industry project and pledges that sources of  
561 local financial support for such project exist. For the purposes



264886

562 of making pledges of local financial support under this  
563 subparagraph, the local governing board shall pass a one-time  
564 resolution officially designating the authorized local economic  
565 development agency.

566 11. Any additional information requested by the department.

567 (b) Each application must be submitted to the department  
568 for determination of eligibility. The department shall review  
569 and evaluate each application based on, but not limited to, the  
570 following criteria:

571 1. Expected contributions to the state's economy,  
572 consistent with the state strategic economic development plan  
573 prepared by the department.

574 2. The economic benefits of the proposed award of tax  
575 refunds under this section.

576 3. The amount of capital investment to be made by the  
577 applicant in this state.

578 4. The local financial commitment and support for the  
579 project.

580 5. The expected effect of the project on the unemployed and  
581 underemployed in the county where the project will be located.

582 6. The expected effect of the award on the viability of the  
583 project and the probability that the project would be undertaken  
584 in this state if such tax refunds are granted to the applicant.

585 7. Whether the business activity or project is in an  
586 industry identified by the department as a target industry  
587 business that contributes to the economic growth of this state  
588 and the area in which the business is located, produces a higher  
589 standard of living for residents of this state in the new global  
590 economy, or can be shown to make an equivalent contribution to



264886

591 the area's and this state's economic progress.

592 8. A review of the business' past activities in this state  
593 or other states, including whether the business has been  
594 subjected to criminal or civil fines and penalties. This  
595 subparagraph does not require the disclosure of confidential  
596 information.

597 (c) Applications shall be reviewed and certified pursuant  
598 to s. 288.061. The department shall include in its review  
599 projections of the tax refunds the business would be eligible to  
600 receive in each fiscal year based on the creation and  
601 maintenance of the net new Florida jobs specified in  
602 subparagraph (a)4. as of December 31 of the preceding state  
603 fiscal year.

604 (d) The department may not certify any target industry  
605 business as a qualified target industry business if the value of  
606 tax refunds to be included in that letter of certification  
607 exceeds the available amount of authority to certify new  
608 businesses as determined in s. 288.095(3). However, if the  
609 commitments of local financial support represent less than 20  
610 percent of the eligible tax refund payments, or to otherwise  
611 preserve the viability and fiscal integrity of the program, the  
612 department may certify a qualified target industry business to  
613 receive tax refund payments of less than the allowable amount  
614 specified in paragraph (3)(b). A letter of certification that  
615 approves an application must specify the maximum amount of tax  
616 refund that will be available to the qualified target industry  
617 business in each fiscal year and the total amount of tax refunds  
618 that will be available to the business for all fiscal years.

619 (e) This section does not create a presumption that an



264886

620 applicant will receive any tax refunds under this section.  
621 However, the department may issue nonbinding opinion letters,  
622 upon the request of prospective applicants, as to the  
623 applicants' eligibility and the potential amount of refunds.

624 (5) ANNUAL CLAIM FOR REFUND.—

625 (a) To be eligible to claim any scheduled tax refund, a  
626 qualified target industry business must apply by January 31 of  
627 each fiscal year to the department for the tax refund scheduled  
628 to be paid from the appropriation for the fiscal year that  
629 begins on July 1 following the January 31 claims-submission  
630 date. The department may, upon written request, grant a 30-day  
631 extension of the filing date.

632 (b) The claim for refund by the qualified target industry  
633 business must include a copy of all receipts pertaining to the  
634 payment of taxes for which the refund is sought.

635 (c) The department may waive the requirement for proof of  
636 taxes paid in future years for a qualified target industry  
637 business that provides the department with proof that, in a  
638 single year, the business has paid an amount of state taxes from  
639 the categories in paragraph (3)(c) which is at least equal to  
640 the total amount of tax refunds that the business may receive  
641 through successful completion of its project.

642 (d) A tax refund may not be approved for a qualified target  
643 industry business unless the required local financial support  
644 has been paid into the account for that refund. If the local  
645 financial support provided is less than 20 percent of the  
646 approved tax refund, the tax refund must be reduced. The tax  
647 refund may not exceed an amount equal to 5 times the amount of  
648 the local financial support received. The qualified target



264886

649 industry business must provide a report listing all sources of  
650 the local financial support to the department when such support  
651 is paid to the account.

652 (e) The department, with such assistance as may be required  
653 from the Department of Revenue, shall, by June 30 following the  
654 scheduled date for submission of the tax refund claim, specify  
655 by written order the approval or disapproval of the tax refund  
656 claim and, if approved, the amount of the tax refund authorized  
657 to be paid to the qualified target industry business. The  
658 department may grant an extension of this date upon the request  
659 of the qualified target industry business for the purpose of  
660 filing additional information in support of the claim.

661 (f) The total amount of tax refund claims approved by the  
662 department under this section in any fiscal year must not exceed  
663 the amount authorized under s. 288.095(3).

664 (g) This section does not create a presumption that a tax  
665 refund claim will be approved and paid.

666 (h) Upon approval of the tax refund under paragraphs (d)  
667 and (e), the Chief Financial Officer shall issue a warrant for  
668 the amount specified in the written order. If the written order  
669 is appealed, the Chief Financial Officer may not issue a warrant  
670 for a refund to the qualified target industry business until the  
671 conclusion of all appeals of that order.

672 (6) ADMINISTRATION.—

673 (a) The department may verify information provided in any  
674 claim submitted for tax credits under this section with regard  
675 to employment and wage levels or the payment of the taxes to the  
676 appropriate agency or authority, including the Department of  
677 Revenue or any local government or authority.





264886

678       (b) To facilitate the process of monitoring and auditing  
679 applications made under this section, the department may provide  
680 a list of qualified target industry businesses to the Department  
681 of Revenue or to any local government or authority. The  
682 department may request the assistance of those entities with  
683 respect to monitoring jobs, wages, and the payment of the taxes  
684 listed in subsection (3).

685       (c) Funds specifically appropriated for tax refunds for  
686 qualified target industry businesses under this section may not  
687 be used by the department for any purpose other than the payment  
688 of tax refunds authorized by this section.

689       Section 7. Section 288.095, Florida Statutes, is amended to  
690 read:

691       288.095 Economic Development Trust Fund.—

692       (1) The Economic Development Trust Fund is created within  
693 the Department of Economic Opportunity. Moneys deposited into  
694 the fund must be used only to support the authorized activities  
695 and operations of the department.

696       (2) There is created, within the Economic Development Trust  
697 Fund, the Economic Development Incentives Account. The Economic  
698 Development Incentives Account consists of moneys appropriated  
699 to the account for purposes of the tax incentives programs  
700 authorized under ss. 288.066, 288.1045, and 288.106 ~~ss. 288.1045~~  
701 ~~and 288.106~~, and local financial support provided under ss.  
702 288.066, 288.1045, and 288.106. Moneys in the Economic  
703 Development Incentives Account shall be subject to the  
704 provisions of s. 216.301(1)(a).

705       (3)(a) The department may approve applications for  
706 certification pursuant to ss. 288.066, 288.1045(3), and 288.106.



264886

707 However, the total state share of tax refund payments may not  
708 exceed \$35 million.

709 (b) The total amount of tax refund claims approved for  
710 payment by the department based on actual project performance  
711 may not exceed the amount appropriated to the Economic  
712 Development Incentives Account for such purposes for the fiscal  
713 year. Claims for tax refunds under ss. 288.066, 288.1045, and  
714 288.106 shall be paid in the order the claims are approved by  
715 the department. In the event the Legislature does not  
716 appropriate an amount sufficient to satisfy the tax refunds  
717 under ss. 288.066, 288.1045, and 288.106 in a fiscal year, the  
718 department shall pay the tax refunds from the appropriation for  
719 the following fiscal year. By March 1 of each year, the  
720 department shall notify the legislative appropriations  
721 committees of the Senate and House of Representatives of any  
722 anticipated shortfall in the amount of funds needed to satisfy  
723 claims for tax refunds from the appropriation for the current  
724 fiscal year.

725 (c) Moneys in the Economic Development Incentives Account  
726 may be used only to pay tax refunds and make other payments  
727 authorized under s. 288.066, s. 288.1045, s. 288.106, or s.  
728 288.107.

729 (d) The department may adopt rules necessary to carry out  
730 the provisions of this subsection, including rules providing for  
731 the use of moneys in the Economic Development Incentives Account  
732 and for the administration of the Economic Development  
733 Incentives Account.

734 Section 8. This act shall take effect July 1, 2022.

735



264886

736 ===== T I T L E A M E N D M E N T =====

737 And the title is amended as follows:

738 Delete everything before the enacting clause

739 and insert:

740 A bill to be entitled

741 An act relating to economic development; amending s.  
742 212.02, F.S.; defining the term "opportunity zone";  
743 amending s. 212.08, F.S.; defining terms; providing an  
744 exemption from the state tax on sales, use, and other  
745 transactions for building materials used in the  
746 rehabilitation of real property in an opportunity  
747 zone; specifying requirements, limitations, and  
748 procedures for the exemption; requiring the department  
749 to adopt rules; authorizing the department to  
750 establish guidelines; providing an exemption from the  
751 state tax on sales, use, and other transactions for  
752 energy used in an opportunity zone, subject to certain  
753 ordinances adopted by municipalities; specifying  
754 requirements, limitations, and procedures for the  
755 exemption; providing a penalty; requiring the  
756 department to adopt rules; authorizing the department  
757 to establish guidelines; defining the term "qualified  
758 business"; amending s. 288.018, F.S.; revising the  
759 matching requirement for grant funds received by a  
760 regional economic development organization; amending  
761 s. 288.065, F.S.; deleting the requirement for certain  
762 repayments to be matched in rural areas of  
763 opportunity; amending s. 288.0655, F.S.; revising the  
764 purpose of the Rural Infrastructure Fund; revising



264886

765 authorized amounts and uses of certain grants;  
766 providing that certain grants do not require local  
767 matches; revising the requirements for review of  
768 certain applications; creating s. 288.066, F.S.;  
769 establishing a rural opportunity tax refund program  
770 for qualified target industry businesses in rural  
771 areas; defining terms; specifying the criteria the  
772 Department of Economic Opportunity and Enterprise  
773 Florida, Inc., must consider in identifying target  
774 industries; authorizing the grant of certain tax  
775 refunds under certain circumstances; specifying  
776 limitations on refunds; providing administrative and  
777 criminal penalties; specifying requirements and  
778 procedures for applications; specifying requirements  
779 and limitations for the review of applications by the  
780 Department of Economic Opportunity; providing  
781 construction; authorizing the Department of Economic  
782 Opportunity to issue certain opinion letters;  
783 providing requirements, procedures, and limitations  
784 for annual refund claims; providing requirements for  
785 the Chief Financial Officer for the issuance of  
786 warrants for refunds; providing for administration by  
787 the Department of Economic Opportunity; amending s.  
788 288.095, F.S.; conforming provisions to changes made  
789 by the act; providing an effective date.