

Committee Substitute for Senate Bill No. 1772

An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 193.621(3), F.S., relating to assessment of certain manufacturing or industrial plants or facilities demolished and reconstructed for pollution control purposes; repealing s. 197.448, F.S., relating to cancellation of tax certificates on riparian rights separate from land; repealing s. 199.052(11), F.S., relating to intangible tax return requirements for banking organizations with respect to intangible personal property resulting from international banking transactions; repealing s. 206.435, F.S., relating to remittance of unpaid tax by wholesalers, terminal suppliers, retail dealers, and former special fuel dealers having motor or taxable diesel fuel inventory; amending s. 206.97, F.S.; removing a cross-reference, to conform; repealing s. 206.9935(3)(c), F.S., relating to scheduled legislative review of the tax for inland protection; amending s. 211.025, F.S.; deleting an obsolete gas tax rate; amending s. 211.026, F.S.; deleting an obsolete sulfur tax rate; repealing s. 212.0305(3)(g), F.S., relating to authority to employee persons and incur other expenses from funds appropriated therefor for administration of the Convention Development Tax Act; amending s. 213.015, F.S.; conforming a cross-reference; amending s. 212.04, F.S.; deleting an exemption from admissions tax imposed but not collected prior to a specified date for any museum or historic building owned by a political subdivision of the state; repealing s. 212.0599, F.S., relating to rules which implement ch. 87-548, Laws of Florida; amending s. 212.08, F.S., and repealing paragraph (hh) of subsection (7), relating to a tax exemption on sales of electric vehicles; deleting an obsolete reporting requirement in a tax exemption provision relating to charges for certain electricity or steam uses; amending s. 414.029, F.S.; conforming a cross-reference; amending s. 212.097, F.S.; deleting intent and application implementation provisions of the Urban High-Crime Area Job Tax Credit Program; amending s. 212.098, F.S.; deleting intent and application implementation provisions of the Rural Job Tax Credit Program; repealing s. 212.20(7), F.S., relating to the use of funds allocated to the Solid Waste Management Trust Fund for the 1999-2000 fiscal year; repealing s. 212.215, F.S., the Fairness in Retail Sales Taxation Act; repealing s. 213.01, F.S., relating to intent with respect to state revenue laws; repealing s. 213.065, F.S., relating to intent with respect to rule adoption to implement ch. 89-171, Laws of Florida; repealing s. 213.066, F.S., relating to rule adoption to implement ch. 92-319, Laws of Florida; amending s. 215.3208, F.S.; deleting obsolete scheduling provisions relating to review of trust funds scheduled for termination; repealing s. 220.18, F.S., relating to the gasohol development tax incentive credit; repealing ss. 193.076, 193.085(5), and 195.073(4), F.S., relating to notice of expansion, assessment of expansion-related or rebuilt property, and classification of property as prior existing or expanded or

rebuilt, respectively, to conform; amending s. 193.077, F.S.; conforming a cross-reference; amending s. 220.183, F.S.; deleting findings and policy and purpose provisions in provisions governing the community contribution tax credit; conforming cross-references; repealing s. 220.185(1) and (2), F.S., relating to findings and policy and purpose provisions in provisions governing the state housing tax credit; repealing s. 220.188, F.S., relating to the export finance corporation investment credit; amending s. 220.02, F.S., and repealing subsections (6) and (9), relating to intent with respect to the gasohol development tax incentive credit and the export finance corporation investment credit; removing cross-references, to conform; amending ss. 220.181, 220.182, 220.184, 220.1845, 220.1895, and 220.19, F.S.; conforming cross-references; amending s. 220.03, F.S., and repealing paragraphs (1)(dd)-(ff), relating to definitions applicable to provisions governing the export finance corporation investment credit; deleting definitions relating to the gasohol development tax incentive credit; conforming a cross-reference; amending s. 288.106, F.S.; deleting findings and intent with respect to the tax refund program for qualified target industry businesses; amending ss. 159.803 and 288.107, F.S.; conforming cross-references; amending s. 624.5105, F.S.; deleting intent and policy and purpose provisions from provisions governing the community contribution tax credit; providing an effective date.

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

Section 1. Subsection (3) of section 193.621, Florida Statutes, is repealed.

Section 2. Section 197.448, Florida Statutes, is repealed.

Section 3. Subsection (11) of section 199.052, Florida Statutes, is repealed.

Section 4. Section 206.435, Florida Statutes, is repealed.

Section 5. Section 206.97, Florida Statutes, is amended to read:

206.97 Applicability of specified sections of part I.—The provisions of ss. 206.01, 206.02, 206.026, 206.027, 206.028, 206.04, 206.051, 206.052, 206.054, 206.055, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41, 206.416, 206.43, ~~206.435~~, 206.44, 206.48, 206.49, 206.56, 206.59, 206.606, 206.608, 206.61, and 206.62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However, no provision of any such section shall apply if it conflicts with any provision of this part.

Section 6. Paragraph (c) of subsection (3) of section 206.9935, Florida Statutes, is repealed.

Section 7. Subsection (1) of section 211.025, Florida Statutes, is amended to read:

211.025 Gas production tax; basis and rate of tax.—An excise tax is hereby levied upon every person who severs gas in the state for sale, transport, profit, or commercial use. Except as otherwise provided in this part, the tax shall be levied on the basis of the entire production of gas in this state, including any royalty interest. Such tax shall accrue at the time the gas is severed and shall be a lien on production regardless of the place of sale, to whom sold, or by whom used and regardless of the fact that delivery of the gas may be made outside the state.

(1) The amount of tax shall be determined by the volume, in mcf, of gas produced and sold or used by a producer during the month, measured at the point where the gas is identifiable as to kind and quality and is capable of being transported for further use or processing, subject to the gas tax rate established in this section. ~~following rates:~~

~~(a) For the period July 1, 1986, through June 30, 1987, the gas tax rate shall be \$0.162 per mcf; and,~~

~~(b) For each the fiscal year beginning July 1, 1987, and subsequent fiscal years, the gas tax rate shall be the gas base rate times the gas base rate adjustment for the fiscal year, as calculated by the department under subsection (3).~~

Section 8. Subsection (1) of section 211.026, Florida Statutes, is amended to read:

211.026 Sulfur production tax; basis and rate of tax.—An excise tax is hereby levied upon every person who severs sulfur in this state for sale, transport, storage, profit, or commercial use. Except as otherwise provided in this part, such tax shall be levied on the basis of the entire production of sulfur in this state, including any royalty interest. Such tax shall accrue at the time of severance of the gas from which the sulfur is produced and shall be a lien on production regardless of the place of sale, to whom sold, or by whom used and regardless of the fact that delivery may be made outside the state.

(1) The amount of tax shall be determined by the long tons of sulfur produced or recovered by a producer during the month from the hydrogen sulfide gas contained in oil or gas production from a well, measured at the point where the sulfur is in its molten, elemental state, and is capable of being sold, delivered, transported, or stored, subject to the sulfur tax rate established in this section. ~~following rates:~~

~~(a) For the period July 1, 1986, through June 30, 1987, the sulfur tax rate shall be \$2.81 per long ton; and~~

~~(b) For each the fiscal year beginning July 1, 1987, and subsequent fiscal years, the sulfur tax rate shall be the sulfur base rate times the sulfur base rate adjustment for the fiscal year, as calculated by the department under subsection (3).~~

Section 9. Paragraph (g) of subsection (3) of section 212.0305, Florida Statutes, is repealed.

Section 10. Subsection (6) of section 213.015, Florida Statutes, is amended to read:

213.015 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during tax assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements which explain, in simple, nontechnical terms, the rights and obligations of the Department of Revenue and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed Florida taxpayers in the Florida Statutes and the departmental rules are:

(6) The right to be informed of impending collection actions which require sale or seizure of property or freezing of assets, except jeopardy assessments, and the right to at least 30 days' notice in which to pay the liability or seek further review (see ss. 198.20, 199.262, 201.16, 206.075, 206.24, 211.125(5), 212.03(5), 212.0305(3)(j)(k), 212.04(7), 212.14(1), 213.73(3), 213.731, and 220.739).

Section 11. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

~~b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.~~

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's

participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 12. Section 212.0599, Florida Statutes, is repealed.

Section 13. Paragraph (hh) of subsection (7) of section 212.08, Florida Statutes, is repealed, present paragraph (ii) of that subsection is redesignated as paragraph (hh) and amended, and present paragraphs (jj) through (fff) of that subsection are redesignated as paragraphs (ii) through (eee), respectively, to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—

(hh)(ii) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsec-

tion, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall periodically monitor and report on the industries receiving the exemption.

~~b. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996.~~

~~b.c.~~ The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

c.d. ~~The report~~ Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

Section 14. Section 414.029, Florida Statutes, is amended to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES Program participants. Registered businesses agree to work with the coalition and to hire WAGES Program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption provided under s. 212.08(5)(b) or (7)(~~hh~~)(ii) and the number of jobs each has provided for program participants.

Section 15. Section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

~~(1) It is the intent of the Legislature to encourage the provision of meaningful employment opportunities that will improve the quality of life of those employed, and to encourage economic expansion of new and existing businesses in urban high-crime areas of this state. Upon an affirmative showing by a business to the satisfaction of the Department of Revenue that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.~~

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in

a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) “Qualified employee” means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified high-crime area in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee. The term also includes an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

(c) “New business” means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the period provided for application by subsection (2) ~~(3)~~ is not considered a new business.

(d) “Existing business” means any eligible business that does not meet the criteria for a new business.

(e) “Qualified high-crime area” means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (7) ~~(8)~~, according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;
2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;
3. Highest percentage of reported index crimes that are violent in nature;
4. Highest overall index crime volume for the area; and
5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, “qualified high-crime area” also means an area that has been designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the Office of Tourism, Trade, and Economic Development.

(2)~~(3)~~ A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible

business in a tier-one qualified high-crime area which has at least 10 qualified employees on the date of application shall receive a \$1,500 tax credit for each such employee. A new eligible business in a tier-two qualified high-crime area which has at least 20 qualified employees on the date of application shall receive a \$1,000 tax credit for each such employee. A new eligible business in a tier-three qualified high-crime area which has at least 30 qualified employees on the date of application shall receive a \$500 tax credit for each such employee.

(3)(4) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business in a tier-one qualified high-crime area which on the date of application has at least 5 more qualified employees than it had 1 year prior to its date of application shall receive a \$1,500 tax credit for each such additional employee. An existing eligible business in a tier-two qualified high-crime area which on the date of application has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a \$1,000 credit for each such additional employee. An existing business in a tier-three qualified high-crime area which on the date of application has at least 15 more qualified employees than it had 1 year prior to its date of application shall receive a \$500 tax credit for each such additional employee. An existing eligible business may apply for the credit under this subsection no more than once in any 12-month period. Any existing eligible business that received a credit under subsection (2) ~~(3)~~ may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection (2) ~~(3)~~.

(4)~~(5)~~ For any new eligible business receiving a credit pursuant to subsection (2) ~~(3)~~, an additional \$500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection (3) ~~(4)~~, an additional \$500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

(5)~~(6)~~ To be eligible for a tax credit under subsection (3) ~~(4)~~, the number of qualified employees employed 1 year prior to the application date must be no lower than the number of qualified employees on the application date on which a credit under this section was based for any previous application, including an application under subsection (2) ~~(3)~~.

(6)~~(7)~~ Any county or municipality, or a county and one or more municipalities together, may apply to the Office of Tourism, Trade, and Economic Development for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically

exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

~~(7)~~(8) The governing body of the entity nominating the area shall provide to the Office of Tourism, Trade, and Economic Development the following:

(a) The overall index crime rate for the geographic area;

(b) The overall index crime volume for the area;

(c) The percentage of reported index crimes that are violent in nature;

(d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

(e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

~~(8)~~(9) A municipality, or a county and one or more municipalities together, may not nominate more than one high-crime area. However, any county as defined by s. 125.011(1) may nominate no more than three high-crime areas.

~~(9)~~(10) An area nominated by a county or municipality, or a county and one or more municipalities together, for designation as a high-crime area shall be eligible only if it meets the following criteria:

(a) The selected area does not exceed 20 square miles and either has a continuous boundary or consists of not more than three noncontiguous parcels;

(b) The selected area does not exceed the following mileage limitation:

1. For communities having a total population of 150,000 persons or more, the selected area does not exceed 20 square miles.

2. For communities having a total population of 50,000 persons or more, but fewer than 150,000 persons, the selected area does not exceed 10 square miles.

3. For communities having a total population of 20,000 persons or more, but fewer than 50,000 persons, the selected area does not exceed 5 square miles.

4. For communities having a total population of fewer than 20,000 persons, the selected area does not exceed 3 square miles.

(10)(14)(a) In order to claim this credit, an eligible business must file under oath with the Office of Tourism, Trade, and Economic Development a statement that includes the name and address of the eligible business and any other information that is required to process the application.

(b) Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Office of Tourism, Trade, and Economic Development shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for tier-one areas. The Department of Revenue, in conjunction with the Office of Tourism, Trade, and Economic Development, shall notify the governing bodies in areas designated as urban high-crime areas when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(11)(12) If the application is insufficient to support the credit authorized in this section, the Office of Tourism, Trade, and Economic Development shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(12)(13) If the credit under this section is greater than can be taken on a single tax return, excess amounts may be taken as credits on any tax return submitted within 12 months after the approval of the application by the department.

(13)(14) It is the responsibility of each business to affirmatively demonstrate to the satisfaction of the Department of Revenue that it meets the requirements of this section.

(14)(15) Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(15)(16) A corporation may take the credit under this section against its corporate income tax liability, as provided in s. 220.1895. However, a corporation that applies its job tax credit against the tax imposed by chapter 220 may not receive the credit provided for in this section. A credit may be taken against only one tax.

~~(16)(17)~~ The department shall adopt rules governing the manner and form of applications for credit and may establish guidelines concerning the requisites for an affirmative showing of qualification for the credit under this section.

~~(18)~~ Applications for credit under this section may be submitted on or after January 1, 1999.

Section 16. Section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

~~(1)~~ It is the intent of the Legislature to encourage the provision of meaningful employment opportunities that will improve the quality of life of those employed and to encourage economic expansion of new and existing businesses in rural areas of this state. Upon an affirmative showing by a business to the satisfaction of the Department of Revenue that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

~~(1)(2)~~ As used in this section, the term:

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) “Qualified employee” means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified county in which the eligible business is

located. An owner or partner of the eligible business is not a qualified employee.

(c) "Qualified county" means a county that has a population of fewer than 75,000 persons, or any county that has a population of 100,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.
2. Lowest per capita income for the most recent 36-month period.
3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.
4. Average weekly manufacturing wage, based upon the most recent data available.

Tier-one qualified counties are those ranked 1 through 5 and represent the state's least-developed counties according to this ranking. Tier-two qualified counties are those ranked 6 through 10, and tier-three counties are those ranked 11 through 17. Notwithstanding this definition, "qualified county" also means a county that contains an area that has been designated as a federal Enterprise Community pursuant to the 1999 Agricultural Appropriations Act. Such a designated area shall be ranked in tier three until the areas are reevaluated by the Office of Tourism, Trade, and Economic Development.

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the period provided for application by subsection (2) ~~(3)~~ is not considered a new business.

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

~~(2)~~(3) A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible business in a tier-one qualified county which has at least 10 qualified employees on the date of application shall receive a \$1,500 tax credit for each such employee. A new eligible business in a tier-two qualified county which has at least 20 qualified employees on the date of application shall receive a \$1,000 tax credit for each such employee. A new eligible business in a tier-three qualified county which has at least 30 qualified employees on the date of application shall receive a \$500 tax credit for each such employee.

~~(3)~~(4) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business in a tier-one qualified county

which on the date of application has at least 5 more qualified employees than it had 1 year prior to its date of application shall receive a \$1,500 tax credit for each such additional employee. An existing eligible business in a tier-two qualified county which on the date of application has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a \$1,000 credit for each such additional employee. An existing business in a tier-three qualified county which on the date of application has at least 15 more qualified employees than it had 1 year prior to its date of application shall receive a \$500 tax credit for each such additional employee. An existing eligible business may apply for the credit under this subsection no more than once in any 12-month period. Any existing eligible business that received a credit under subsection ~~(2)~~ (3) may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection ~~(2)~~ (3).

~~(4)~~(5) For any new eligible business receiving a credit pursuant to subsection ~~(2)~~ (3), an additional \$500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection ~~(3)~~ (4), an additional \$500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the county. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

~~(5)~~(6) To be eligible for a tax credit under subsection ~~(3)~~ (4), the number of qualified employees employed 1 year prior to the application date must be no lower than the number of qualified employees on the application date on which a credit under this section was based for any previous application, including an application under subsection ~~(2)~~ (3).

~~(6)~~(7)(a) In order to claim this credit, an eligible business must file under oath with the Office of Tourism, Trade, and Economic Development a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Office of Tourism, Trade, and Economic Development shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million. The Department of Revenue, in conjunction with the Office of Tourism, Trade, and Economic Development, shall notify the governing bodies in areas designated as qualified counties when the \$5 million

maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

~~(7)~~(8) If the application is insufficient to support the credit authorized in this section, the Office of Tourism, Trade, and Economic Development shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

~~(8)~~(9) If the credit under this section is greater than can be taken on a single tax return, excess amounts may be taken as credits on any tax return submitted within 12 months after the approval of the application by the department.

~~(9)~~(10) It is the responsibility of each business to affirmatively demonstrate to the satisfaction of the Department of Revenue that it meets the requirements of this section.

~~(10)~~(11) Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(11)~~(12) A corporation may take the credit under this section against its corporate income tax liability, as provided in s. 220.1895. However, a corporation that uses its job tax credit against the tax imposed by chapter 220 may not receive the credit provided for in this section. A credit may be taken against only one tax.

~~(12)~~(13) The department shall adopt rules governing the manner and form of applications for credit and may establish guidelines as to the requisites for an affirmative showing of qualification for the credit under this section.

~~(14) Applications for a credit under this section may be submitted on or after January 1, 1999.~~

Section 17. Subsection (7) of section 212.20, Florida Statutes, is repealed.

Section 18. Section 212.215, Florida Statutes, is repealed.

Section 19. Section 213.01, Florida Statutes, is repealed.

Section 20. Section 213.065, Florida Statutes, is repealed.

Section 21. Section 213.066, Florida Statutes, is repealed.

Section 22. Section 215.3208, Florida Statutes, is amended to read:

215.3208 Trust funds; ~~schedule for termination~~; legislative review.—

~~(1) Except for those trust funds exempt from automatic termination pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution, trust~~

~~funds administered by the following entities shall be reviewed and may be terminated or re-created by the Legislature, as appropriate, during the regular session of the Legislature in the year indicated:~~

~~(a) In 1994:~~

- ~~1. Department of Corrections.~~
- ~~2. Department of Highway Safety and Motor Vehicles.~~
- ~~3. Department of Law Enforcement.~~
- ~~4. Department of Legal Affairs.~~
- ~~5. Department of the Lottery.~~
- ~~6. Department of Management Services.~~
- ~~7. Department of Military Affairs.~~
- ~~8. Department of Transportation.~~
- ~~9. Game and Fresh Water Fish Commission.~~
- ~~10. Judicial branch.~~
- ~~11. Justice Administrative Commission.~~
- ~~12. Parole Commission.~~

~~(b) In 1995:~~

- ~~1. Department of Agriculture and Consumer Services.~~
- ~~2. Department of Banking and Finance.~~
- ~~3. Department of Citrus.~~
- ~~4. Department of Education.~~
- ~~5. Department of Environmental Protection.~~
- ~~6. Department of Revenue.~~
- ~~7. Executive Office of the Governor.~~
- ~~8. Florida Public Service Commission.~~

~~(c) In 1996:~~

- ~~1. Agency for Health Care Administration.~~
- ~~2. Commission on Ethics.~~
- ~~3. Department of Business and Professional Regulation.~~

- 4.—Department of Children and Family Services.
- 5.—Department of Commerce.
- 6.—Department of Community Affairs.
- 7.—Department of Elderly Affairs.
- 8.—Department of Health.
- 9.—Department of Insurance.
- 10.—Department of Juvenile Justice.
- 11.—Department of Labor and Employment Security.
- 12.—Department of State.
- 13.—Department of Veterans' Affairs.
- 14.—Legislative branch.

~~(2) All other trust funds not administered by the entities listed in subsection (1) and not exempt from automatic termination pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution shall be reviewed and may be terminated or re-created by the Legislature, as appropriate, during the 1996 Regular Session of the Legislature.~~

(1)(3) For the purpose of reviewing trust funds prior to their automatic termination pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution purposes of this section, the Legislature shall review the trust funds as they are identified by a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier. When a statutorily created trust fund that was in existence on November 4, 1992, has more than one 6-digit code, the Legislature may treat it as a single trust fund for the purposes of this section. The Legislature may also conduct its review concerning accounts within such trust funds.

~~(2)(4)(a)~~ When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.

(b) If the Legislature determines to terminate a trust fund, it may provide for the distribution of moneys in that trust fund. If such a distribution is not provided, the moneys remaining after all outstanding obligations of the trust fund are met shall be deposited in the General Revenue Fund.

Section 23. Section 220.18, Florida Statutes, is repealed.

Section 24. Section 193.076, subsection (5) of section 193.085, and subsection (4) of section 195.073, Florida Statutes, are repealed.

Section 25. Subsection (3) of section 193.077, Florida Statutes, is amended to read:

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

(3) Within 10 days of extension or recertification of the assessment rolls pursuant to s. 193.122, whichever is later, the property appraiser shall forward to the department a list of all property of new businesses and property separately assessed as expansion-related or rebuilt property pursuant to s. 193.085(5)(6)(a). The list shall include the name and address of the business to which the property is assessed, the assessed value of the property, the total taxes levied against the property, the identifying number for the property as shown on the assessment roll, and a description of the property.

Section 26. Section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) ~~LEGISLATIVE FINDINGS.—The Legislature finds that:~~

~~(a) There exist in the counties and municipalities conditions of blight evidenced by extensive deterioration of public and private facilities, abandonment of sound structures, and high unemployment which conditions impede the conservation and development of healthy, safe, and economically viable communities.~~

~~(b) Deterioration of housing and industrial, commercial, and public facilities contributes to the decline of neighborhoods and communities and leads to the loss of their historic character and the sense of community which this inspires; reduces the value of property comprising the tax base of local communities; discourages private investment; and requires a disproportionate expenditure of public funds for the social services, unemployment benefits, and police protection required to combat the social and economic problems found in slum communities.~~

~~(c) In order to ultimately restore social and economic viability to enterprise zones, it is necessary to renovate or construct new housing, water and sewer infrastructure, and transportation facilities and to specifically provide mechanisms to attract and encourage private economic activity.~~

~~(d) The various local governments and other redevelopment organizations now undertaking physical revitalization projects are limited by tightly constrained budgets and inadequate resources.~~

~~(e) In order to significantly improve revitalization efforts by local governments and community development organizations and to retain as much of the historic character of our communities as possible, it is necessary to provide additional resources, and the participation of private enterprise in revitalization efforts is an effective means for accomplishing that goal.~~

(2) ~~POLICY AND PURPOSE.—It is the policy of this state to encourage the participation of private corporations in revitalization projects undertaken by public redevelopment organizations. The purpose of this section~~

~~is to provide an incentive for such participation by granting partial state income tax credits to corporations that contribute resources to public redevelopment organizations for the revitalization of enterprise zones for the benefit of low-income and moderate-income persons or to preserve existing historically significant properties within enterprise zones to the greatest extent possible. The Legislature thus declares this a public purpose for which public money may be borrowed, expended, loaned, and granted.~~

~~(1)(3)~~ AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) ~~Beginning July 1, 1995,~~ There shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter.

(b) No business firm shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 624.5105 is \$10 million annually.

(d) All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business firm, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8)(10).

(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis.

(g) A taxpayer who is eligible to receive the credit provided for in s. 624.5105 is not eligible to receive the credit provided by this section.

~~(2)(4)~~ ELIGIBILITY REQUIREMENTS.—

(a) All community contributions by a business firm shall be in the form specified in s. 220.03(1)(d).

(b) All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

(c) The project must be undertaken by an “eligible sponsor,” defined here as:

1. A community action program;
2. A community development corporation;

3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter 421;
5. A community redevelopment agency, created pursuant to s. 163.356;
6. The Florida Industrial Development Corporation;
7. An historic preservation district agency or organization;
8. A private industry council;
9. A direct-support organization as provided in s. 240.551;
10. An enterprise zone development agency created pursuant to s. 290.0057; or
11. Such other agency as the Office of Tourism, Trade, and Economic Development may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone pursuant to s. 290.0065. Any project designed to construct or rehabilitate low-income housing is exempt from the area requirement of this paragraph.

~~(3)~~(5) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the Office of Tourism, Trade, and Economic Development, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its willingness to receive the contribution, which verification indicate its willingness to receive the contribution, which verification shall be in writing and shall accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

~~(4)~~(6) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the Office of Tourism, Trade, and Economic Development shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

~~(5)(7)~~ EXPIRATION.—The provisions of this section, except paragraph ~~(1)(3)(e)~~, shall expire and be void on June 30, 2005.

Section 27. Subsections (1) and (2) of section 220.185, Florida Statutes, are repealed.

Section 28. Section 220.188, Florida Statutes, is repealed.

Section 29. Subsections (6) and (9) of section 220.02, Florida Statutes, are repealed, and present subsection (10) of that section is renumbered and amended to read:

220.02 Legislative intent.—

~~(8)(40)~~ It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, ~~those enumerated in s. 220.18~~, those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, ~~those enumerated in s. 220.188~~, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185.

Section 30. Subsection (8) of section 220.02, Florida Statutes, as renumbered by this act and amended by chapter 99-378, Laws of Florida, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: ~~those enumerated in s. 220.18~~, those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895,

those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, ~~those enumerated in s. 220.188~~, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185.

Section 31. Paragraph (c) of subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)

(c) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8)(40).

Section 32. Subsection (1) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(1)(a) Beginning July 1, 1995, there shall be allowed a credit against the tax imposed by this chapter to any business which establishes a new business as defined in s. 220.03(1)(p)~~2~~, expands an existing business as defined in s. 220.03(1)(k)~~2~~, or rebuilds an existing business as defined in s. 220.03(1)(u) in this state. The credit shall be computed annually as ad valorem taxes paid in this state, in the case of a new business; the additional ad valorem tax paid in this state resulting from assessments on additional real or tangible personal property acquired to facilitate the expansion of an existing business; or the ad valorem taxes paid in this state resulting from assessments on property replaced or restored, in the case of a rebuilt business, including pollution and waste control facilities, or any part thereof, and including one or more buildings or other structures, machinery, fixtures, and equipment.

(b) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8)(40). The amount of credit taken under this section in any one year, however, shall not exceed \$25,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary employees, the amount shall not exceed \$50,000.

Section 33. Subsection (3) of section 220.184, Florida Statutes, is amended to read:

220.184 Hazardous waste facility tax credit.—

(3) If any credit granted pursuant to this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02~~(8)~~(10).

Section 34. Paragraph (c) of subsection (1) of section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the corporation is eligible in that year under this section after applying the other credits and unused carryovers in the order provided by s. 220.02~~(8)~~(10).

Section 35. Section 220.1895, Florida Statutes, is amended to read:

220.1895 Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the Office of Tourism, Trade, and Economic Development pursuant to the Rural Job Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02~~(8)~~(10). The Office of Tourism, Trade, and Economic Development shall conduct a review of the Urban High-Crime Area Job Tax Credit and the Rural Job Tax Credit Program and submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2000.

Section 36. Paragraph (e) of subsection (1) of section 220.19, Florida Statutes, is amended to read:

220.19 Child care tax credits.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(e) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax im-

posed by this chapter for that year exceeds the credit for which the corporation is eligible in that year under this section after applying the other credits and unused carryovers in the order provided by s. 220.02~~(8)~~(10).

Section 37. Paragraphs (dd), (ee), and (ff) of subsection (1) of section 220.03, Florida Statutes, are repealed, and paragraphs (k), (p), and (t) of that subsection are amended to read:

220.03 Definitions.—

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

~~(k)1.—“Expansion of an existing business,” for the purposes of the gasohol development tax incentive credit, refers to capital investment in a productive business operation, not defined as a new business, which results in a net increase in the amount of real or tangible personal property owned by it or, in the case of government-owned real property, leased by it, for the purpose of engaging in the distillation of ethyl alcohol for use in motor fuels or in the manufacture of equipment for the processing and distillation of ethyl alcohol for use in motor fuels.~~

2. “Expansion of an existing business,” for the purposes of the enterprise zone property tax credit, means any business entity authorized to do business in this state as defined in paragraph (e), and any bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter, located in an enterprise zone, which expands by or through additions to real and personal property and which establishes five or more new jobs to employ five or more additional full-time employees at such location. The provisions of this paragraph ~~subparagraph~~ shall expire and be void on June 30, 2005.

~~(p)1.—“New business,” for the purposes of the gasohol development tax incentive credit, means a productive business operation, which heretofore did not exist in this state, engaged in the distillation of ethyl alcohol for use in motor fuels or in the manufacture of equipment for the processing and distillation of ethyl alcohol for use in motor fuels.~~

2. “New business,” for the purposes of the enterprise zone property tax credit, means any business entity authorized to do business in this state as defined in paragraph (e), or any bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter, first beginning operations on a site located in an enterprise zone and clearly separate from any other commercial or industrial operations owned by the same entity, bank, or savings and loan association and which establishes five or more new jobs to employ five or more additional full-time employees at such location. The provisions of this paragraph ~~subparagraph~~ shall expire and be void on June 30, 2005.

(t) “Project” means any activity undertaken by an eligible sponsor, as defined in s. 220.183~~(2)~~(4)(c), which is designed to construct, improve, or

substantially rehabilitate housing or commercial, industrial, or public resources and facilities or to improve entrepreneurial and job-development opportunities for low-income persons. The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 38. Section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

~~(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of target industries provides high-quality employment opportunities for citizens of this state and enhances the economic foundations of this state. It is the policy of this state to encourage the growth of a high-value-added employment and economic base by providing tax refunds to qualified target industry businesses that create new high-wage employment opportunities in this state by expanding existing businesses within this state or by bringing new businesses to this state.~~

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

(a) “Account” means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. 288.095.

(b) “Average private sector wage in the area” means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which the business is located.

(c) “Business” means an employing unit, as defined in s. 443.036, which is registered with the Department of Labor and Employment Security for unemployment compensation purposes or a subcategory or division of an employing unit which is accepted by the Department of Labor and Employment Security as a reporting unit.

(d) “Corporate headquarters business” means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

(e) “Office” means the Office of Tourism, Trade, and Economic Development.

(f) “Enterprise zone” means an area designated as an enterprise zone pursuant to s. 290.0065.

(g) “Expansion of an existing business” means the expansion of an existing Florida business by or through additions to real and personal property, resulting in a net increase in employment of not less than 10 percent at such business.

(h) “Fiscal year” means the fiscal year of the state.

(i) “Jobs” means full-time equivalent positions, as such terms are consistent with terms used by the Department of Labor and Employment Security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. This number shall not include temporary construction jobs involved with the construction of facilities for the project or any jobs which have previously been included in any application for tax refunds under s. 288.104 or this section.

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

(k) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l) “New business” means a business which heretofore did not exist in this state, first beginning operations on a site located in this state and clearly separate from any other commercial or industrial operations owned by the same business.

(m) “Project” means the creation of a new business or expansion of an existing business.

(n) “Director” means the Director of the Office of Tourism, Trade, and Economic Development.

(o) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida’s growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis.

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1). A target industry business may not include any industry engaged in retail activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(p) "Taxable year" means taxable year as defined in s. 220.03(1)(z).

(q) "Qualified target industry business" means a target industry business that has been approved by the director to be eligible for tax refunds pursuant to this section.

(r) "Rural county" means a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(t) "Rural community" means:

1. A county with a population of 75,000 or less.
2. A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

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

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

(u) “Authorized local economic development agency” means any public or private entity, including those defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

(2)~~(3)~~ TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (3) ~~(4)~~. The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (5) ~~(6)~~.

(b) Upon approval by the director, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 times the number of jobs specified in the tax refund agreement under subparagraph (4)~~(5)~~(a)1., or equal to \$6,000 times the number of jobs if the project is located in a rural county or an enterprise zone. Further, a qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 times the number of jobs specified in the tax refund agreement under subparagraph (4)~~(5)~~(a)1., if such jobs pay an annual average wage of at least 150 percent of the average private-sector wage in the area, or equal to \$2,000 times the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private-sector wage in the area. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (4)~~(5)~~(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than \$5 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.

(c) After entering into a tax refund agreement under subsection (4) ~~(5)~~, a qualified target industry business may:

1. Receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

- a. Corporate income taxes under chapter 220.
- b. Insurance premium tax under s. 624.509.
2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:
 - a. Taxes on sales, use, and other transactions under chapter 212.
 - b. Intangible personal property taxes under chapter 199.
 - c. Emergency excise taxes under chapter 221.
 - d. Excise taxes on documents under chapter 201.
 - e. Ad valorem taxes paid, as defined in s. 220.03(1).

(d) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

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

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.
2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.
2. The permanent location of the applicant's facility in this state at which the project is or is to be located.
3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of full-time equivalent jobs in this state that are or will be dedicated to the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

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

9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.

10. Any additional information requested by the office.

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a brownfield area designated under s. 376.80 or in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at such project and, if an expansion of an existing business,

must result in a net increase in employment of not less than 10 percent at such business. Notwithstanding the definition of the term “expansion of an existing business” in paragraph (1)(2)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an “expansion of an existing business” in a rural community or an enterprise zone as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, it must be transmitted in writing and the specific justification for the request must be explained. If the director elects to grant such request, such election must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant’s project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state’s economic progress. The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the office for determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

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

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. Nothing in this subparagraph shall require the disclosure of confidential information.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax refund claim that will be sought by the target industry business in each fiscal year based on the information submitted in the application.

(e)1. Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.

2. If appropriate, the director shall enter into a written agreement with the qualified target industry business pursuant to subsection (4) ~~(5)~~.

(f) The director may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the director may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph ~~(2)~~(3)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(g) Nothing in this section shall create a presumption that an applicant will receive any tax refunds under this section. However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(4)~~(5)~~ TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will

be in place and active in this state. This information must be the same as the information contained in the application submitted by the business under subsection ~~(3)~~ (4).

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive in each fiscal year.

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date after which, in each fiscal year, the qualified target industry business may file an annual claim under subsection ~~(5)~~ (6).

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection ~~(3)~~ (4).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection ~~(3)~~ (4), but not before passage and receipt of the resolution of local financial support.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in section 288.106, Florida Statutes."

~~(5)~~(6) ANNUAL CLAIM FOR REFUND.—

(a) A qualified target industry business that has entered into a tax refund agreement with the office under subsection ~~(4)~~ (5) may apply once each fiscal year to the office for a tax refund. The application must be made on or after the date specified in that agreement.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax

refund may not exceed the amount specified for that fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account in that fiscal year. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection ~~(2)~~ ~~(3)~~ and paragraph ~~(3)~~~~(4)~~(f) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the Department of Labor and Employment Security, shall specify by written final order the amount of the tax refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

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

(g) Upon approval of the tax refund under paragraphs (c), (d), and (e), the Comptroller shall issue a warrant for the amount specified in the final order. If the final order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

~~(6)~~(7) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, or to any local government or authority. The office

may request the assistance of those entities with respect to monitoring the payment of the taxes listed in subsection (2) ~~(3)~~.

~~(7)~~(8) EXPIRATION.—This section expires June 30, 2004.

Section 39. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) “Florida First Business project” means any project which is certified by the Office of Tourism, Trade, and Economic Development as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The Office of Tourism, Trade, and Economic Development may certify those projects meeting the criteria set forth in s. 288.106~~(3)~~(4)(b) or any project providing a substantial economic benefit to this state.

Section 40. Paragraph (e) of subsection (1), subsection (2), paragraphs (a) and (d) of subsection (4), and paragraph (b) of subsection (5) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(e) “Eligible business” means a qualified target industry business as defined in s. 288.106~~(1)~~(2)(o).

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—There shall be allowed from the account a bonus refund of \$2,500 to any qualified target industry business for each new Florida job created in a brownfield which is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106~~(5)~~(6) and approved by the office as specified in the final order issued by the director.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106~~(3)~~(4) that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(d) After entering into a tax refund agreement as provided in s. 288.106, an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106~~(2)~~(3)(c).

(5) ADMINISTRATION.—

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(2)(3).

Section 41. Section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; legislative findings; policy and purpose; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) ~~LEGISLATIVE FINDINGS.~~—The Legislature finds that:

~~(a) Conditions of blight, evidenced by extensive deterioration of public and private facilities, abandonment of sound structures, and high unemployment, exist in the counties and municipalities, which conditions impede the conservation and development of healthy, safe, and economically viable communities.~~

~~(b) The deterioration of housing and industrial, commercial, and public facilities contributes to the decline of neighborhoods and communities and leads to the loss of their historic character and the sense of community which this inspires; reduces the value of property comprising the tax base of local communities; discourages private investment; and requires a disproportionate expenditure of public funds for the social services, unemployment benefits, and police protection required to combat the social and economic problems found in slum communities.~~

~~(c) In order to ultimately restore social and economic viability to enterprise zones, it is necessary to renovate or construct new housing, water and sewer infrastructure, and transportation facilities and to specifically provide mechanisms to attract and encourage private economic activity.~~

~~(d) The various local governments and other redevelopment organizations now undertaking physical revitalization projects are limited by tightly constrained budgets and inadequate resources.~~

~~(e) In order to significantly improve revitalization efforts by local governments and community development organizations and to retain as much of the historic character of our communities as possible, it is necessary to provide additional resources, and the participation of private enterprise in revitalization efforts is an effective means for accomplishing that goal.~~

(2) ~~POLICY AND PURPOSE.~~—It is the policy of this state to encourage the participation of insurers in revitalization projects undertaken by public redevelopment organizations. The purpose of this section is to provide an incentive for such participation by granting partial state insurance premium tax credits to insurers that contribute resources to public redevelopment

~~organizations for the revitalization of enterprise zones for the benefit of low-income and moderate-income persons or to preserve existing historically significant properties within enterprise zones to the greatest extent possible. The Legislature thus declares such purpose a public purpose for which public money may be borrowed, expended, loaned, and granted.~~

~~(1)~~(3) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(a) ~~Beginning July 1, 1995,~~ There shall be allowed a credit of 50 percent of a community contribution against any tax due for a calendar year under s. 624.509 or s. 624.510.

(b) No insurer shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 220.183 is \$10 million annually.

(d) Each proposal for the granting of such tax credit requires the prior approval of the director.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the insurer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by s. 624.509 or s. 624.510 for such year exceeds the credit under this section for such year.

~~(2)~~(4) ELIGIBILITY REQUIREMENTS.—

(a) Each community contribution by an insurer must be in a form specified in subsection ~~(5)~~ (7).

(b) Each community contribution must be reserved exclusively for use in a project.

(c) The project must be undertaken by an “eligible sponsor,” which term is defined as:

1. A community action program;
2. A community development corporation;
3. A neighborhood housing services corporation;
4. A local housing authority created pursuant to chapter 421;
5. A community redevelopment agency created pursuant to s. 163.356;
6. The Florida Industrial Development Corporation;
7. A historic preservation district agency or organization;
8. A private industry council;

9. An enterprise zone development agency created pursuant to s. 290.0057; or

10. Such other agency as the director may, from time to time, designate by rule.

In no event shall a contributing insurer have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone pursuant to s. 290.0065. Any project designed to construct or rehabilitate low-income housing is exempt from the area requirement of this paragraph.

(3)~~(5)~~ APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which the proposed project is located certifying that the project is consistent with local plans and regulations.

(b)1. Any insurer wishing to participate in this program must submit an application for tax credit to the office which sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor must verify, in writing, the terms of the application and indicate its willingness to receive the contribution, which verification must accompany the application for tax credit.

2. The insurer must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(4)~~(6)~~ ADMINISTRATION.—

(a)1. The Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The office shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

(b) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(5)(7) DEFINITIONS.—For the purpose of this section:

(a) “Community contribution” means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.
2. Real property.
3. Goods or inventory.
4. Other physical resources which are identified by the department.

(b) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(c) “Local government” means any county or incorporated municipality in the state.

(d) “Office” means the Office of Tourism, Trade, and Economic Development.

(e) “Project” means any activity undertaken by an eligible sponsor, as defined in subsection (2) (4), which is designed to construct, improve, or substantially rehabilitate housing or commercial, industrial, or public resources and facilities or to improve entrepreneurial and job-development opportunities for low-income persons.

(6)(8) EXPIRATION.—The provisions of this section, except paragraph (1)(3)(e), shall expire and be void on June 30, 2005.

Section 42. This act shall take effect July 1, 2000.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.