



Committee on Economic Development

**Thursday, March 8, 2007
8:30 a.m. – 10:00 a.m.
Reed Hall**

Committee Action

**Marco Rubio
Speaker**

**Rep. Don Davis
Chair**

COMMITTEE MEETING REPORT
Committee on Economic Development
3/8/2007 8:30:00AM



Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Don Davis (Chair)			X
Gary Aubuchon	X		
Marti Coley	X		
Michael Grant	X		
John Legg	X		
Seth McKeel	X		
Frank Peterman	X		
Ari Porth	X		
Betty Reed	X		
Totals:	8	0	1

COMMITTEE MEETING REPORT
Committee on Economic Development

3/8/2007 8:30:00AM

Location: Reed Hall (102 HOB)

HB 1325 : Entertainment Industry Economic Development

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Marti Coley	X				
Michael Grant	X				
John Legg	X				
Seth McKeel	X				
Frank Peterman	X				
Ari Porth	X				
Betty Reed	X				
Don Davis (Chair)				X	
Total Yeas: 8 Total Nays: 0					

Appearances:

David Cassenta (Lobbyist) - Information Only
 Florida Alliance of Media and Entertainment
 12121 NE 16th Avenue
 North Miami FL 33161
 Phone: (305) 401-3006

Gabe Sheheane (Lobbyist) - Proponent
 Florida Chamber of Commerce
 136 S. Bronough Street
 Tallahassee FL
 Phone: (850) 284-8335

Jonathan Kilman (Lobbyist) - Proponent
 Electronic Arts
 1317 Benevolent Street
 Maitland FL 32751
 Phone: (850) 459-3829

Van Poole (Lobbyist) - Proponent
 Entertainment Software Association and Motion Picture Association of America
 106 E. College Avenue Suite 1100
 Tallahassee FL 32301
 Phone: (850) 681-1980

Steve Metz (Lobbyist) - Proponent
 Disney
 215 S. Monroe
 Tallahassee FL

Committee meeting was reported out: Thursday, March 08, 2007 10:41:17AM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/8/2007 8:30:00AM

Location: Reed Hall (102 HOB)

Paul Meena - Proponent

FFEAC/Production Industry

1000 Universal St. Plaza, #212

Orlando FL 32819

Phone: (407) 224-3930

Marc Palotay - Proponent

NBC Universal

100 Universal City Plaza

Universal City CA

Phone: (818) 777-1567

Andrew Grayson (Lobbyist) (State Employee) - Information Only

Executive Office of the Governor

The Capitol, 1801C

Tallahassee FL 32399

Phone: (850) 487-1884

COMMITTEE MEETING REPORT
Committee on Economic Development

3/8/2007 8:30:00AM

Location: Reed Hall (102 HOB)

HB 1503 : Super Enterprise Zones

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Marti Coley	X				
Michael Grant	X				
John Legg	X				
Seth McKeel	X				
Frank Peterman	X				
Ari Porth	X				
Betty Reed	X				
Don Davis (Chair)			X		
Total Yeas: 8		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. **HB 1503**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N) 3/8/07

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER _____

1 Council/Committee hearing bill: Committee on Economic
 2 Development
 3 Representative(s) Rivera offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

Section 1. Subsection (34) is added to section 212.02, Florida Statutes, to read:

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

(34) "Certified business" means a business located in a super enterprise zone that is certified under s. 290.00682. This subsection is repealed June, 30, 2020.

Section 2. Subsection (19) is added to section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the

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23 rental, the use, the consumption, the distribution, and the
24 storage to be used or consumed in this state of the following
25 are hereby specifically exempt from the tax imposed by this
26 chapter.

27 (19) EXEMPTIONS; SUPER ENTERPRISE ZONES.--

28 (a) The tax imposed by this chapter does not apply to:

29 1. Tangible personal property purchased by certified
30 businesses for the exclusive use or consumption of such
31 businesses within a super enterprise zone; or

32 2. Retail sales of tangible personal property made by a
33 certified business from a place of business owned or leased and
34 operated by the business for the purpose of making retail sales
35 and located in a designated super enterprise zone. The exemption
36 provided by this subparagraph does not apply to the retail sale
37 of any item with a price greater than \$1,000. To qualify for the
38 exemption under this subparagraph, the sale must be made at the
39 location of the business and the item must be shipped from
40 inside the super enterprise zone; however, the item may be
41 shipped to any location. For the purposes of this section, all
42 qualified sales made by a certified business located in a super
43 enterprise zone shall be considered to have occurred in the
44 super enterprise zone, regardless of where the transfer of title
45 or possession takes place.

46 (b) Notwithstanding paragraph (a), a new business
47 established in a super enterprise zone and certified on or after
48 July 1, 2008, pursuant to s. 290.00682 is eligible for the
49 exemptions provided under this subsection for a period not to
50 exceed 10 years immediately following such certification. For an
51 existing business located in a super enterprise zone and
52 certified on or after July 1, 2008, the exemptions provided
53 under this subsection shall be available for a period not to

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54 exceed 5 years, beginning in the year in which the business
55 receives its initial certification and continuing for up to 5
56 years immediately following such certification.

57 (c) This subsection is repealed June 30, 2020.

58 Section 3. Paragraph (i) is added to subsection (8) of
59 section 290.0056, Florida Statutes, paragraph (f) of subsection
60 (11) of that section is redesignated as paragraph (g), and a new
61 paragraph (f) is added to that subsection, to read:

62 290.0056 Enterprise zone development agency.--

63 (8) The enterprise zone development agency shall have the
64 following powers and responsibilities:

65 (i)1. To recommend and submit an application to the office
66 for the designation of a super enterprise zone.

67 2. To coordinate with the local governmental entity for
68 the exemptions from the sales and use tax provided under s.
69 212.08(19).

70
71 This paragraph is repealed June 30, 2020.

72 (11) Prior to December 1 of each year, the agency shall
73 submit to the Office of Tourism, Trade, and Economic Development
74 a complete and detailed written report setting forth:

75 (f) The economic impact of a super enterprise zone, if
76 applicable, including:

77 1. A list of certified businesses and whether the business
78 is new or where the business relocated from.

79 2. The number of jobs created.

80 3. The percentage of employees employed by certified
81 businesses who reside in the super enterprise zone or in an
82 enterprise zone within the same county.

83 4. The extent of capital investment by certified
84 businesses within the zone.

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85 5. The success of the super enterprise zone as measured by
86 the strategic plan and methods identified in s. 290.0057(1)(i).

87
88 This paragraph is repealed June 30, 2020.

89 Section 4. Subsection (1) of section 290.0057, Florida
90 Statutes, is amended to read:

91 290.0057 Enterprise zone development plan.--

92 (1) Any application for designation as a new enterprise
93 zone or super enterprise zone must be accompanied by a strategic
94 plan adopted by the governing body of the municipality or
95 county, or the governing bodies of the county and one or more
96 municipalities together. At a minimum, the plan must:

97 (a) Briefly describe the community's goals for
98 revitalizing the area.

99 (b) Describe the ways in which the community's approaches
100 to economic development, social and human services,
101 transportation, housing, community development, public safety,
102 and educational and environmental concerns will be addressed in
103 a coordinated fashion, and explain how these linkages support
104 the community's goals.

105 (c) Identify and describe key community goals and the
106 barriers that restrict the community from achieving these goals,
107 including a description of poverty and general distress,
108 barriers to economic opportunity and development, and barriers
109 to human development.

110 (d) Describe the process by which the affected community
111 is a full partner in the process of developing and implementing
112 the plan and the extent to which local institutions and
113 organizations have contributed to the planning process.

114 (e) Commit the governing body or bodies to enact and
115 maintain local fiscal and regulatory incentives, if approval for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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116 the area is received under s. 290.0065. These incentives may
117 include the municipal public service tax exemption provided by
118 s. 166.231, the economic development ad valorem tax exemption
119 provided by s. 196.1995, the occupational license tax exemption
120 provided by s. 205.054, local impact fee abatement or reduction,
121 or low-interest or interest-free loans or grants to businesses
122 to encourage the revitalization of the nominated area.

123 (f) Identify the amount of local and private resources
124 that will be available in the nominated area and the
125 private/public partnerships to be used, which may include
126 participation by, and cooperation with, universities, community
127 colleges, small business development centers, black business
128 investment corporations, certified development corporations, and
129 other private and public entities.

130 (g) Indicate how state enterprise zone tax incentives and
131 state, local, and federal resources will be utilized within the
132 nominated area.

133 (h) Identify the funding requested under any state or
134 federal program in support of the proposed economic, human,
135 community, and physical development and related activities.

136 (i) Identify baselines, methods, and benchmarks for
137 measuring the success of carrying out the strategic plan.

138 Section 5. Effective July 1, 2020, subsection (1) of
139 section 290.0057, Florida Statutes, as amended by this act, is
140 amended to read:

141 290.0057 Enterprise zone development plan.--

142 (1) Any application for designation as a new enterprise
143 zone ~~or super enterprise zone~~ must be accompanied by a strategic
144 plan adopted by the governing body of the municipality or
145 county, or the governing bodies of the county and one or more
146 municipalities together. At a minimum, the plan must:

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147 (a) Briefly describe the community's goals for
148 revitalizing the area.

149 (b) Describe the ways in which the community's approaches
150 to economic development, social and human services,
151 transportation, housing, community development, public safety,
152 and educational and environmental concerns will be addressed in
153 a coordinated fashion, and explain how these linkages support
154 the community's goals.

155 (c) Identify and describe key community goals and the
156 barriers that restrict the community from achieving these goals,
157 including a description of poverty and general distress,
158 barriers to economic opportunity and development, and barriers
159 to human development.

160 (d) Describe the process by which the affected community
161 is a full partner in the process of developing and implementing
162 the plan and the extent to which local institutions and
163 organizations have contributed to the planning process.

164 (e) Commit the governing body or bodies to enact and
165 maintain local fiscal and regulatory incentives, if approval for
166 the area is received under s. 290.0065. These incentives may
167 include the municipal public service tax exemption provided by
168 s. 166.231, the economic development ad valorem tax exemption
169 provided by s. 196.1995, the occupational license tax exemption
170 provided by s. 205.054, local impact fee abatement or reduction,
171 or low-interest or interest-free loans or grants to businesses
172 to encourage the revitalization of the nominated area.

173 (f) Identify the amount of local and private resources
174 that will be available in the nominated area and the
175 private/public partnerships to be used, which may include
176 participation by, and cooperation with, universities, community
177 colleges, small business development centers, black business

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178 investment corporations, certified development corporations, and
179 other private and public entities.

180 (g) Indicate how state enterprise zone tax incentives and
181 state, local, and federal resources will be utilized within the
182 nominated area.

183 (h) Identify the funding requested under any state or
184 federal program in support of the proposed economic, human,
185 community, and physical development and related activities.

186 (i) Identify baselines, methods, and benchmarks for
187 measuring the success of carrying out the strategic plan.

188 Section 6. Sections 290.00681 and 290.00682, Florida
189 Statutes, are created to read:

190 290.00681 Super enterprise zones; designation;
191 eligibility.--

192 (1) The office may designate up to five areas in the state
193 as super enterprise zones for a 10-year period. In determining
194 whether an area suffers from pervasive poverty, unemployment,
195 and general distress, the office shall use data from the most
196 current decennial census, and from information published by the
197 Bureau of the Census and the Bureau of Labor Statistics. The
198 data shall be comparable in point or period of time and
199 methodology employed. To qualify as a super enterprise zone an
200 area shall:

201 (a) Be located in an enterprise zone and be no larger than
202 3 contiguous square miles.

203 (b) Have an average unemployment rate four times greater
204 than the state average.

205 (c) Have a minimum of 40 percent of residents living below
206 the federal poverty level.

207 (d) Have general distress of business and residential
208 property such that the local governing body by resolution has

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209 determined that the buildings are substandard, unsafe,
210 unsanitary, dilapidated, or obsolete, or any combination of such
211 conditions, and are detrimental to the safety, health, and
212 welfare of the community.

213 (e) Demonstrate evidence of significant job loss or
214 dislocation in the area.

215 (2) When determining eligibility for a super enterprise
216 zone, the office shall consider the following criteria:

217 (a) Priority to applications that include new business
218 activity.

219 (b) Evidence of adverse economic and socioeconomic
220 conditions in that area.

221 (c) The viability of the development plan.

222 (d) Whether the development plan is creative and
223 innovative.

224 (e) Public and private commitment to and other resources
225 available for the proposed super enterprise zone.

226 (f) How a super enterprise zone would relate to a broader
227 plan for the community as a whole.

228 (g) The level of demonstrated cooperation from surrounding
229 communities.

230 (h) How the local regulatory burden will be eased for
231 businesses operating in the proposed super enterprise zone.

232 (i) Public and private commitment to improving abandoned
233 real property.

234 (j) Whether sufficient infrastructure is available to
235 support development.

236 (3) The office shall set deadlines for applications for
237 designation as a super enterprise zone as necessary to implement
238 this section. Any application for designation as a super
239 enterprise zone must:

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240 (a) Briefly describe the community's goals for
241 revitalizing the area and include a development plan.

242 (b) Describe the ways in which the community's approach to
243 economic development, social and human services, transportation,
244 housing, community development, public safety, and educational
245 and environmental concerns will be addressed in a coordinated
246 fashion and explain how these linkages support the community's
247 goals.

248 (c) Identify and describe key community goals and the
249 barriers that restrict the community from achieving these goals.

250 (d) Identify the amount of local and private support and
251 resources that will be available.

252 (e) Identify baselines, methods, and benchmarks for
253 measuring success.

254 (f) Include written approval from any associated county
255 office and mayor's office.

256 (4) This section is repealed June 30, 2020, and any
257 designation made pursuant to this section shall be revoked on
258 that date.

259 290.00682 Super enterprise zones; business
260 certification.--

261 (1) A certified business is eligible for the tax
262 exemptions provided in s. 212.08(19). To qualify as a certified
263 business, receive an exemption certificate, and continue to
264 receive the tax exemptions provided in s. 212.08(19), a business
265 must:

266 (a) File an application for certification with the local
267 enterprise zone development agency. The application shall be
268 filed no later than September 1 preceding the calendar year for
269 which the business is seeking an exemption.

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270 (b) Operate and be located within a designated super
271 enterprise zone.

272 (c) Create new employment within the super enterprise zone
273 while not causing unemployment elsewhere in the state.

274 (d) Certify to the best of the business' knowledge that
275 the business has no delinquent federal or state tax obligations.

276 (e) Demonstrate that no less than 20 percent of its
277 employees are residents of the designated super enterprise zone
278 or an enterprise zone located within the same county. The
279 employment requirement may be waived by the local enterprise
280 zone development agency for good cause.

281 (2) A local enterprise zone development agency may certify
282 a business as eligible for the exemptions under s. 212.08(19)
283 annually if the business meets the requirements in subsection
284 (1). Each local enterprise zone development agency shall
285 annually provide the local governmental entity, the office, and
286 the Department of Revenue with a list of new and existing
287 certified businesses. The Department of Revenue shall annually
288 issue a tax exemption certificate to each business holding an
289 exemption certificate issued by the local enterprise zone
290 development agency. The certificate shall be good for one
291 calendar year.

292 (3) A local enterprise zone development agency may
293 disqualify a certified business at any time if the business
294 fails to meet the requirements of subsection (1). A business
295 that makes a fraudulent claim under this section or for tax
296 exemptions provided in s. 212.08(19), shall be liable for the
297 payment of the tax due, together with the penalties set forth in
298 s. 212.085, and as otherwise provided by law.

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299 (4) This section is repealed June 30, 2020, and any
300 certification made pursuant to this section shall be revoked on
301 that date.

302 Section 7. Section 290.007, Florida Statutes, is amended
303 to read:

304 290.007 State incentives available in enterprise zones and
305 super enterprise zones.--

306 (1) The following incentives are provided by the state to
307 encourage the revitalization of enterprise zones:

308 (a)~~(1)~~ The enterprise zone jobs credit provided in s.
309 220.181.

310 (b)~~(2)~~ The enterprise zone property tax credit provided in
311 s. 220.182.

312 (c)~~(3)~~ The community contribution tax credits provided in
313 ss. 212.08, 220.183, and 624.5105.

314 (d)~~(4)~~ The sales tax exemption for building materials used
315 in the rehabilitation of real property in enterprise zones
316 provided in s. 212.08(5)(g).

317 (e)~~(5)~~ The sales tax exemption for business equipment used
318 in an enterprise zone provided in s. 212.08(5)(h).

319 (f)~~(6)~~ The sales tax exemption for electrical energy used
320 in an enterprise zone provided in s. 212.08(15).

321 (g)~~(7)~~ The enterprise zone jobs credit against the sales
322 tax provided in s. 212.096.

323 (h)~~(8)~~ Notwithstanding any law to the contrary, the Public
324 Service Commission may allow public utilities and
325 telecommunications companies to grant discounts of up to 50
326 percent on tariffed rates for services to small businesses
327 located in an enterprise zone designated pursuant to s.
328 290.0065. Such discounts may be granted for a period not to
329 exceed 5 years. For purposes of this paragraph subsection, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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330 term "public utility" has the same meaning as in s. 366.02(1)
331 and the term "telecommunications company" has the same meaning
332 as in s. 364.02(14).

333 (2) The following incentives are provided by the state to
334 encourage the revitalization of super enterprise zones:

335 (a) The sales tax exemption for certified businesses
336 provided in s. 212.08(19)(a)1.

337 (b) The sales tax exemption for retail sales by certified
338 businesses provided in s. 212.08(19)(a)2.

339 Section 8. Effective July 1, 2020, section 290.007,
340 Florida Statutes, as amended by this act, is amended to read:

341 290.007 State incentives available in enterprise zones ~~and~~
342 ~~super enterprise zones.~~--

343 ~~(1)~~ The following incentives are provided by the state to
344 encourage the revitalization of enterprise zones:

345 (1)~~(a)~~ The enterprise zone jobs credit provided in s.
346 220.181.

347 (2)~~(b)~~ The enterprise zone property tax credit provided in
348 s. 220.182.

349 (3)~~(c)~~ The community contribution tax credits provided in
350 ss. 212.08, 220.183, and 624.5105.

351 (4)~~(d)~~ The sales tax exemption for building materials used
352 in the rehabilitation of real property in enterprise zones
353 provided in s. 212.08(5)(g).

354 (5)~~(e)~~ The sales tax exemption for business equipment used
355 in an enterprise zone provided in s. 212.08(5)(h).

356 (6)~~(f)~~ The sales tax exemption for electrical energy used
357 in an enterprise zone provided in s. 212.08(15).

358 (7)~~(g)~~ The enterprise zone jobs credit against the sales
359 tax provided in s. 212.096.

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360 ~~(8)(h)~~ Notwithstanding any law to the contrary, the Public
361 Service Commission may allow public utilities and
362 telecommunications companies to grant discounts of up to 50
363 percent on tariffed rates for services to small businesses
364 located in an enterprise zone designated pursuant to s.
365 290.0065. Such discounts may be granted for a period not to
366 exceed 5 years. For purposes of this subsection ~~paragraph~~, the
367 term "public utility" has the same meaning as in s. 366.02(1)
368 and the term "telecommunications company" has the same meaning
369 as in s. 364.02(14).

370 ~~(2) The following incentives are provided by the state to~~
371 ~~encourage the revitalization of super enterprise zones:~~

372 ~~(a) The sales tax exemption for certified businesses~~
373 ~~provided in s. 212.08(19)(a)1.~~

374 ~~(b) The partial sales tax exemption for retail sales by~~
375 ~~certified businesses provided in s. 212.08(19)(a)2.~~

376 Section 9. Prior to the 2014 Regular Session of the
377 Legislature, the Office of Program Policy Analysis and
378 Government Accountability shall conduct an interim review and
379 evaluation of the effectiveness and viability of the super
380 enterprise zones created under s. 290.00681, Florida Statutes.
381 The office shall specifically evaluate whether relief from the
382 specified taxes caused or induced new investment and development
383 in the super enterprise zone; increased the number of jobs
384 created or retained in the super enterprise zone; caused or
385 induced the renovation, rehabilitation, restoration,
386 improvement, or new construction of businesses or housing within
387 the super enterprise zone; or contributed to the economic
388 viability and profitability of business and commerce located
389 within the super enterprise zone. The office shall submit a
390 report of its findings and recommendations to the Speaker of the

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391 House of Representatives and the President of the Senate no
392 later than December 1, 2013. In 2019, the office shall conduct a
393 final review in accordance with this section and shall make a
394 final report to the President of the Senate and Speaker of the
395 House of Representatives no later than December 1, 2019.

396 Section 10. Except as otherwise expressly provided in this
397 act, this act shall take effect July 1, 2007.

398
399
400 ===== T I T L E A M E N D M E N T =====

401 Remove the entire title and insert:
402 An act relating to super enterprise zones; amending s.
403 212.02, F.S.; providing a definition; providing for future
404 repeal; amending s. 212.08, F.S.; exempting certain
405 property purchased for use or consumption by businesses in
406 a super enterprise zone and retail sales by certified
407 businesses in a super enterprise zone; providing an
408 exception; specifying time periods for application of the
409 exemptions for certain businesses; providing for future
410 repeal; amending s. 290.0056, F.S.; providing additional
411 responsibilities of an enterprise zone development agency
412 relating to super enterprise zones; requiring an economic
413 impact report; providing for future repeal; amending s.
414 290.0057, F.S.; applying requirements for an enterprise
415 zone development plan to super enterprise zones; providing
416 for future deletion of application; creating s. 290.00681,
417 F.S.; authorizing the Office of Tourism, Trade, and
418 Economic Development to designate certain areas as super
419 enterprise zones for a certain time period; providing
420 qualification and eligibility criteria; providing
421 application requirements; providing for future repeal and

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422 revocation of designations; creating s. 290.00682, F.S.;

423 providing requirements for qualification as a certified

424 business for sales tax exemption purposes; authorizing a

425 local enterprise zone development agency to certify

426 businesses; requiring the agency to provide lists of

427 certified businesses; providing for disqualifying

428 certified businesses under certain circumstances;

429 providing for future repeal and revocation of

430 certifications; amending s. 290.007, F.S.; specifying

431 incentives for revitalization of super enterprise zones;

432 providing for future deletion of such incentives;

433 requiring interim and final reviews of super enterprise

434 zones by the Office of Program Policy Analysis and

435 Government Accountability; providing review of criteria;

436 requiring reports to the Legislature; providing effective

437 dates.

COMMITTEE MEETING REPORT
Committee on Economic Development

3/8/2007 8:30:00AM

Location: Reed Hall (102 HOB)

Summary:

Committee on Economic Development

Thursday March 08, 2007 08:30 am

HB 1325 Favorable

Yeas: 8 Nays: 0

HB 1503 Favorable With Amendments

Yeas: 8 Nays: 0