

STORAGE NAME: h0083.ccc
DATE: April 2, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE
COUNCIL ON COMPETITIVE COMMERCE
ANALYSIS**

BILL #: HB 83
RELATING TO: Enterprise Zones
SPONSOR(S): Representative Russell
TIED BILL(S): SB 158 (S)

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE (CCC) YEAS 11 NAYS 0
 - (2) FISCAL POLICY AND RESOURCES (FRC) YEAS 10 NAYS 0
 - (3) COUNCIL ON COMPETITIVE COMMERCE
 - (4)
 - (5)
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I. SUMMARY:

The bill allows Hernando County, or Hernando County and the City of Brooksville jointly, to apply for the designation of one enterprise zone.

The bill takes effect upon becoming a law.

The Revenue Impact Conference estimated that the bill, with the traveling amendments, would have an annualized negative impact on General Revenue of \$100,000 in fiscal year 2001-02 and an annualized negative impact on General Revenue of \$100,000 in fiscal year 2002-03.

Two amendments were adopted by the Committee on Economic Development and International Trade and are traveling with the bill. The first amendment exempts the proposed Hernando County enterprise zone from the pervasive poverty, unemployment, and general distress criteria in s. 290.0058, F.S. The second amendment authorizes the creation of an enterprise zone in Calhoun County.

One amendment was adopted by the Committee on Fiscal Responsibility and Resources and is traveling with the bill. This amendment authorizes the creation of an enterprise zone in Okaloosa County.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Established in 1980, the Florida Enterprise Zone program targets areas for economic revitalization and provides incentives to businesses located in designated areas found in urban and rural communities. An enterprise zone is a specific geographic area targeted for economic revitalization. Presently, the state has thirty-four enterprise zones.

By the early nineties, the program had become overwhelmed with the number of zones allowed. To remedy the situation, the Legislature passed the Florida Enterprise Zone Act in 1994. As a result, the existing zones were repealed on December 31, 1994, and guidelines were established for the designation of new zones. The Act transferred administrative duties from the Department of Community Affairs to the Department of Commerce.

In 1995, 19 enterprise zones were designated throughout the state. Local governments were required to establish a community based Enterprise Zone Development Agency (EZDA). Each EZDA is responsible for overseeing the implementation of its individual plan and reducing local barriers to revitalization efforts. The agencies are required to market their zones to interested parties and assist local business owners with state and local incentives.

With the dissolution of the Department of Commerce in 1996, the Legislature amended the program and transferred the administrative responsibilities to the newly created Office of Tourism, Trade, and Economic Development (OTTED) within the Executive Office of the Governor. In addition, the revision added Work and Gain Economic Self-Sufficiency (WAGES) Program participants (residing in a zone) as eligible employees for a 15 percent jobs tax credit. The Legislature also authorized the designation of eleven additional enterprise zones.

In 1997, the Legislature authorized 12 new zones. The following year, the program was amended to include a new zone and to allow businesses located within an enterprise zone to claim jobs tax credits for hiring WAGES or Job Training Partnership Act (JTPA) program participants regardless of where they live.

During the 1999 Legislative Session, legislation further amended the Enterprise Zone Program by providing four counties (Columbia, Gadsden, Liberty and Suwannee) with an opportunity to apply for a state enterprise zone. The Legislature also recognized the newly federally designated Empowerment Zone (Miami-Dade County) and Enterprise Community (Immokalee/Hendry County)

as state enterprise zones. In addition, two local governments (City of Bradenton and Miami-Dade County) were provided an opportunity to create satellite enterprise zones.

The Florida Enterprise Zone Program includes the following financial incentives to businesses to encourage private investment and increase employment opportunities for enterprise zone residents:

- ! Enterprise Zone Jobs Tax Credit (Sales & Use Tax)
- ! Enterprise Zone Jobs Tax Credit (Corporate Income Tax)
- ! Enterprise Zone Property Tax Credit (Corporate Income Tax)
- ! Sales Tax Refund for Building Materials Used in an Enterprise Zone
- ! Sales Tax Refund for Business Machinery and Equipment Used in an Enterprise Zone
- ! Sales Tax Exemption for Electrical Energy Used in an Enterprise Zone
- ! Community Contribution Tax Credit Program
- ! Enterprise Zone Linked Deposit Program

C. Costs of the program have increased as new areas have been added. The total cost of state and local incentives was \$11.3 million in FY 1996-97 and \$13 million in FY 1997-98. In FY 1998-99, the program costs were \$24 million in state and local incentives (\$5.2 million in state tax incentives approved by the Department of Revenue and \$18.8 million in incentives provided by the local governing bodies; however, some of the local incentives provided are federal pass-through funds.) This increased activity was the result of 776 new businesses in Enterprise Zones which created 5,305 new jobs.

D. EFFECT OF PROPOSED CHANGES:

Section 290.00695, F.S., is created to authorize Hernando County, or the county and the City of Brooksville jointly, to apply to OTTED for designation of one enterprise zone encompassing a specified area. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, F.S., which governs nominating procedures local governments must follow in applying for designation of an area as an enterprise zone. The section authorizes OTTED to designate one enterprise zone pursuant to this bill, notwithstanding the provisions of s. 290.0065, F.S., which limit the total number of enterprise zones designated and the number of enterprise zones within a population category.

E. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Impact Conference estimated an annualized negative impact on General Revenue of \$100,000 in FY 2001-02 and \$100,000 in FY 2002-03.

2. Expenditures:

The Office of Tourism, Trade, and Economic Development, the agency responsible for administering the Enterprise Zone Program, advises it can accommodate the additions contemplated by the bill with existing staff and financial resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

In addition to those incentives provided by the state, some local governments may offer various economic incentives that would reduce local revenues.

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Residents of areas added to an enterprise zone could benefit from new employment opportunities. The new enterprise zone authorized by the bill may generate positive economic effects resulting from the availability of various tax incentives.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The effect on municipality or county revenues in the aggregate depends on the effect the new enterprise zones have on local option sales tax collections. Any reduction of municipality and county revenues is expected to be insignificant. The bill does not mandate the reduction of municipally or county revenues; rather, it allows the municipality or county the option to participate in the Enterprise Zone program.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percent of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rulemaking authority.

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Two amendments were adopted by the Committee on Economic Development and International Trade and are traveling with the bill. The first amendment exempts the proposed Hernando County enterprise zone from the pervasive poverty, unemployment, and general distress criteria in s. 290.0058, F.S. The second amendment authorizes the creation of an enterprise zone in Calhoun County.

One amendment was adopted by the Committee on Fiscal Responsibility and Resources and is traveling with the bill. This amendment authorizes the creation of an enterprise zone in Okaloosa County.

VII. SIGNATURES:

COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE:

Prepared by:

Lisa Munroe

Staff Director:

J. Paul Whitfield, Jr.

AS REVISED BY THE COMMITTEE ON FISCAL POLICY AND RESOURCES:

Prepared by:

Adam Shamy

Staff Director:

Greg Turbeville

AS FURTHER REVISED BY THE COUNCIL ON COMPETITIVE COMMERCE:

Prepared by:

Rebecca Everhart

Council Director:

Hubert Bohannon