

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Troutman offered the following:

2
3 **Substitute Amendment for Amendment (802937) (with title**
4 **amendment)**

5 Remove line 247-367 and insert:

6 b. Result in the creation of at least 500 direct, new jobs
7 if the project is located in a rural area, a brownfield area, or
8 an enterprise zone.

9 2. Have an activity or product that is within an industry
10 that is designated as a target industry business under s.
11 288.106 or a designated sector under s. 288.108.

12 3.a. Have a cumulative investment of at least \$500 million
13 within a 5-year period; or

14 b. Have a cumulative investment that exceeds \$375 million
15 within a 3-year period if the project is located in a rural
16 area, brownfield area, or an enterprise zone.

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17 (5) Enterprise Florida, Inc., shall evaluate proposals for
18 innovation incentive awards and transmit recommendations for
19 awards to the office. Such evaluation and recommendation must
20 include, but need not be limited to:

21 (a) A description of the project, its required facilities,
22 and the associated product, service, or research and development
23 associated with the project.

24 (b) The percentage of match provided for the project.

25 (c) The number of full-time equivalent jobs that will be
26 created by the project, the total estimated average annual wages
27 of such jobs, and the types of business activities and jobs
28 likely to be stimulated by the investment.

29 (d) The cumulative investment to be dedicated to the
30 project within 5 years and the total investment expected in the
31 project if more than 5 years.

32 (e) The projected economic and fiscal impacts on the local
33 and state economies relative to investment.

34 (f) A statement of any special impacts the project is
35 expected to stimulate in a particular business sector in the
36 state or regional economy or in the state's universities and
37 community colleges.

38 (g) A statement of any anticipated or proposed
39 relationships with state universities.

40 (h) A statement of the role the incentive is expected to
41 play in the decision of the applicant to locate or expand in
42 this state.

43 (i) A recommendation and explanation of the amount of the
44 award needed to cause the applicant to expand or locate in this
45 state.

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46 (j) A discussion of the efforts and commitments made by
47 the local community in which the project is to be located to
48 induce the applicant's location or expansion, taking into
49 consideration local resources and abilities.

50 (k) A recommendation for specific performance criteria the
51 applicant would be expected to achieve in order to receive
52 payments from the fund and penalties or sanctions for failure to
53 meet or maintain performance conditions.

54 (l) For a research and development facility project:

55 1. A description of the extent to which the project has
56 the potential to serve as catalyst for an emerging or evolving
57 cluster.

58 2. A description of the extent to which the project has or
59 could have a long-term collaborative research and development
60 relationship with one or more universities or community colleges
61 in this state.

62 3. A description of the existing or projected impact of
63 the project on established clusters or targeted industry
64 sectors.

65 4. A description of the project's contribution to the
66 diversity and resiliency of the innovation economy of this
67 state.

68 5. A description of the project's impact on special-needs
69 communities, including, but not limited to, rural areas,
70 distressed urban areas, and enterprise zones.

71 (6) In consultation with Enterprise Florida, Inc., the
72 office may negotiate the proposed amount of an award for any
73 applicant meeting the requirements of this section. In
74 negotiating such award, the office shall consider the amount of
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75 the incentive needed to cause the applicant to locate or expand
76 in this state in conjunction with other relevant applicant
77 impact and cost information and analysis as described in this
78 section. Particular emphasis shall be given to the potential for
79 the project to stimulate additional private investment and high-
80 quality employment opportunities in the area.

81 (7) Upon receipt of the evaluation and recommendation from
82 Enterprise Florida, Inc., the director shall recommend to the
83 Governor the approval or disapproval of an award. In
84 recommending approval of an award, the director shall include
85 proposed performance conditions that the applicant must meet in
86 order to obtain incentive funds and any other conditions that
87 must be met before the receipt of any incentive funds. The
88 Governor shall consult with the President of the Senate and the
89 Speaker of the House of Representatives before giving approval
90 for an award. Upon approval of an award, the Executive Office of
91 the Governor shall release the funds pursuant to the legislative
92 consultation and review requirements set forth in s. 216.177.

93 (8) Upon approval by the Governor and release of the funds
94 as set forth in subsection (7), the director shall issue a
95 letter certifying the applicant as qualified for an award. The
96 office and the applicant shall enter into an agreement that sets
97 forth the conditions for payment of incentives. The agreement
98 must include the total amount of funds awarded; the performance
99 conditions that must be met to obtain the award or portions of
100 the award, including, but not limited to, net new employment in
101 the state, average wage, and total cumulative investment;
102 demonstration of a baseline of current service and a measure of
103 enhanced capability; the methodology for validating performance;

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104 the schedule of payments; and sanctions for failure to meet
105 performance conditions, including any clawback provisions.

106 (9) Enterprise Florida, Inc., shall assist the office in
107 validating the performance of an innovation business or research
108 and development facility that has received an award. At the
109 conclusion of the innovation incentive award agreement, or its
110 earlier termination, Enterprise Florida, Inc., shall, within 90
111 days, report the results of the innovation incentive award to
112 the Governor, the President of the Senate, and the Speaker of
113 the House of Representatives.

114 (10) Enterprise Florida, Inc., shall develop business
115 ethics standards based on appropriate best industry practices
116 which shall be applicable to all award recipients. The standards
117 shall address ethical duties of business enterprises, fiduciary
118 responsibilities of management, and compliance with the laws of
119 this state. Enterprise Florida, Inc., may collaborate with the
120 State University System in reviewing and evaluating appropriate
121 business ethics standards. Such standards shall be provided to
122 the Governor, the President of the Senate, and the Speaker of
123 the House of Representatives by December 31, 2006. An award
124 agreement entered into on or after December 31, 2006, shall
125 require a recipient to comply with the business ethics standards
126 developed pursuant to this section.

127 Section 3. Section 288.1171, Florida Statutes, is created
128 to read:

129 288.1171 Qualified job-training organizations;
130 certification; duties.--

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131 (1) As used in this section, the term "qualified job-
132 training organization" means an organization that satisfies all
133 of the following:

134 (a) Is accredited by the Commission for Accreditation of
135 Rehabilitation Facilities.

136 (b) Collects Florida state sales tax.

137 (c) Operates statewide and has more than 100 locations
138 within the state.

139 (d) Is exempt from income taxation under s. 501(c)3 or s.
140 501(c)4 of the Internal Revenue Code of 1986, as amended.

141 (e) Specializes in the retail sale of donated items.

142 (f) Provides job training and employment services to
143 individuals who have workplace disadvantages and disabilities.

144 (g) Uses a majority of its revenues for job training and
145 placement programs that create jobs and foster economic
146 development.

147 (2) To be eligible for funding, an organization must be
148 certified by the Office of Tourism, Trade, and Economic
149 Development as meeting the criteria in subsection (1). After
150 certification, the Office of Tourism, Trade, and Economic
151 Development may release funds to the qualified job training
152 organization pursuant to a contract with the organization. The
153 contract must address the performance conditions and sanctions
154 for failure to meet the performance conditions and must require
155 that salaries paid to officers and employees of the qualified
156 job training organization comply with s. 4958 of the Internal
157 Revenue Code of 1986, as amended.

158 (3) A qualified job-training organization that is
159 certified must use the proceeds provided solely to encourage and
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160 provide economic development through capital construction,
161 improvements, or the purchase of equipment that will result in
162 expanded employment opportunities.

163 (4) The failure to use the proceeds as required
164 constitutes grounds for revoking certification.

165 Section 4. The sum of \$3 million per year is appropriated
166 from nonrecurring general revenue for 10 years to the Office of
167 Tourism, Trade, and Economic Development for the purpose
168 specified in s. 288.1171(3), Florida Statutes. For the 2006-2007
169 fiscal year, these funds are appropriated from nonrecurring
170 general revenue. For the 2007-2008 through 2016-2017 fiscal
171 years, the funds shall be appropriated from nonrecurring general
172 revenue or as specifically provided in the General
173 Appropriations Act. The funds shall be distributed by the Office
174 of Tourism, Trade, and Economic Development to organizations
175 meeting the requirements of s. 288.1171, Florida Statutes,
176 solely to encourage and provide economic development through
177 capital construction, improvements, or the purchase of equipment
178 that will result in expanded employment opportunities.

179
180 ===== T I T L E A M E N D M E N T =====

181 Remove line 6-38 and insert:

182 An act relating to economic development; amending s. 288.1088,
183 F.S.; providing eligibility criteria for receipt of funds from
184 the Quick Action Closing Fund; requiring Enterprise Florida,
185 Inc., to determine eligibility using specified criteria;
186 providing for waiver of eligibility criteria under certain
187 circumstances; requiring the Governor to provide evaluations of
188 certain projects to the President of the Senate and the Speaker

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189 of the House of Representatives; creating s. 288.1089, F.S.;
190 creating within the Office of Tourism, Trade, and Economic
191 Development the Innovation Incentive Program for certain
192 purposes; providing definitions; providing for innovation
193 incentive awards; providing limitations; providing qualification
194 requirements for review of applicants and projects by the office
195 and Enterprise Florida, Inc.; providing proposal evaluation and
196 recommendation requirements for Enterprise Florida, Inc.;
197 authorizing the office to negotiate award amounts to applicants;
198 providing negotiation requirements; requiring the director of
199 the office to make recommendations to the Governor for approval
200 or disapproval of certain projects; providing recommendation
201 requirements; requiring consultation with the Legislature;
202 providing for certification of applicants as qualified
203 innovation businesses; providing for incentive payment
204 agreements; requiring Enterprise Florida, Inc., to assist the
205 office in validating certain business performances; requiring a
206 report; requiring Enterprise Florida, Inc., to establish certain
207 business ethics standards; requiring the standards to be
208 reported to the Governor, the President of the Senate, and the
209 Speaker of the House of Representatives; requiring incentive
210 award agreements to require compliance with the standards;
211 creating s. 288.1171, F.S.; defining the term "qualified job-
212 training organization"; providing for the Office of Tourism,
213 Trade, and Economic Development to certify qualified job-
214 training organizations; providing for the distribution of
215 certain funds to a certified organization pursuant to contract;
216 providing contract requirements; specifying uses of the funds;
217 providing for revocation of certification under certain

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218 | circumstances; providing appropriations for a certain period;
219 | providing for appropriations to be distributed through the
220 | Office of Tourism, Trade, and Economic Development; amending s.
221 | 403.973, F.S.; requiring the office