

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Troutman offered the following:

2
3 **Substitute Amendment for Amendment (420351) (with title**
4 **amendment)**

5 Remove line(s) 255-367 and insert:

6 b. Have a cumulative investment that exceeds \$250 million
7 within a 10-year period if the project is located in a rural
8 area, brownfield area, or an enterprise zone.

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

13 (a) A description of the project, its required facilities,
14 and the associated product, service, or research and development
15 associated with the project.

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

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

21 (d) The cumulative investment to be dedicated to the
22 project within 5 years and the total investment expected in the
23 project if more than 5 years.

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

26 (f) A statement of any special impacts the project is
27 expected to stimulate in a particular business sector in the
28 state or regional economy or in the state's universities and
29 community colleges.

30 (g) A statement of any anticipated or proposed
31 relationships with state universities.

32 (h) A statement of the role the incentive is expected to
33 play in the decision of the applicant to locate or expand in
34 this state.

35 (i) A recommendation and explanation of the amount of the
36 award needed to cause the applicant to expand or locate in this
37 state.

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

42 (k) A recommendation for specific performance criteria the
43 applicant would be expected to achieve in order to receive
44 payments from the fund and penalties or sanctions for failure to
45 meet or maintain performance conditions.

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46 (1) For a research and development facility project:

47 1. A description of the extent to which the project has
48 the potential to serve as catalyst for an emerging or evolving
49 cluster.

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

54 3. A description of the existing or projected impact of
55 the project on established clusters or targeted industry
56 sectors.

57 4. A description of the project's contribution to the
58 diversity and resiliency of the innovation economy of this
59 state.

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

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

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

85 (8) Upon approval by the Governor and release of the funds
86 as set forth in subsection (7), the director shall issue a
87 letter certifying the applicant as qualified for an award. The
88 office and the applicant shall enter into an agreement that sets
89 forth the conditions for payment of incentives. The agreement
90 must include the total amount of funds awarded; the performance
91 conditions that must be met to obtain the award or portions of
92 the award, including, but not limited to, net new employment in
93 the state, average wage, and total cumulative investment;
94 demonstration of a baseline of current service and a measure of
95 enhanced capability; the methodology for validating performance;
96 the schedule of payments; and sanctions for failure to meet
97 performance conditions, including any clawback provisions.

98 (9) Enterprise Florida, Inc., shall assist the office in
99 validating the performance of an innovation business or research
100 and development facility that has received an award. At the
101 conclusion of the innovation incentive award agreement, or its
102 earlier termination, Enterprise Florida, Inc., shall, within 90
103 days, report the results of the innovation incentive award to

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104 the Governor, the President of the Senate, and the Speaker of
105 the House of Representatives.

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

119 Section 3. Section 288.1171, Florida Statutes, is created
120 to read:

121 288.1171 Qualified job-training organizations;
122 certification; duties.--

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

126 (a) Is accredited by the Commission for Accreditation of
127 Rehabilitation Facilities.

128 (b) Collects Florida state sales tax.

129 (c) Operates statewide and has more than 100 locations
130 within the state.

131 (d) Is exempt from income taxation under s. 501(c)3 or s.
132 501(c)4 of the Internal Revenue Code of 1986, as amended.

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

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

136 (g) Uses a majority of its revenues for job training and
137 placement programs that create jobs and foster economic
138 development.

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

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

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

157

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

159 Remove line(s) 6-38 and insert:

160 An act relating to economic development; amending s.

161 288.1088, F.S.; providing eligibility criteria for

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162 receipt of funds from the Quick Action Closing Fund;
163 requiring Enterprise Florida, Inc., to determine
164 eligibility using specified criteria; providing for
165 waiver of eligibility criteria under certain
166 circumstances; requiring the Governor to provide
167 evaluations of certain projects to the President of
168 the Senate and the Speaker of the House of
169 Representatives; creating s. 288.1089, F.S.; creating
170 within the Office of Tourism, Trade, and Economic
171 Development the Innovation Incentive Program for
172 certain purposes; providing definitions; providing for
173 innovation incentive awards; providing limitations;
174 providing qualification requirements for review of
175 applicants and projects by the office and Enterprise
176 Florida, Inc.; providing proposal evaluation and
177 recommendation requirements for Enterprise Florida,
178 Inc.; authorizing the office to negotiate award
179 amounts to applicants; providing negotiation
180 requirements; requiring the director of the office to
181 make recommendations to the Governor for approval or
182 disapproval of certain projects; providing
183 recommendation requirements; requiring consultation
184 with the Legislature; providing for certification of
185 applicants as qualified innovation businesses;
186 providing for incentive payment agreements; requiring
187 Enterprise Florida, Inc., to assist the office in
188 validating certain business performances; requiring a
189 report; requiring Enterprise Florida, Inc., to
190 establish certain business ethics standards; requiring

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191 the standards to be reported to the Governor, the
192 President of the Senate, and the Speaker of the House
193 of Representatives; requiring incentive award
194 agreements to require compliance with the standards;
195 creating s. 288.1171, F.S.; defining the term
196 "qualified job-training organization"; providing for
197 the Office of Tourism, Trade, and Economic Development
198 to certify qualified job-training organizations;
199 providing for the distribution of certain funds to a
200 certified organization pursuant to contract; providing
201 contract requirements; specifying uses of the funds;
202 providing for revocation of certification under
203 certain circumstances; amending s. 403.973, F.S. ;
204 requiring the office