

By Senator Storms

10-01769-09

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1 A bill to be entitled
2 An act relating to the Business Attraction Incentive
3 Award Program; providing for the payment of a finder's
4 fee to a person who aids a business in the selection
5 of a site for relocation; stating the purpose of the
6 program; defining terms; providing for the
7 administration of the program by the Office of
8 Tourism, Trade, and Economic Development; limiting the
9 amount of the finder's fee; providing fines and
10 criminal penalties for fraudulent claims for finder's
11 fees; providing an effective date.

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

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15 Section 1. Business Attraction Incentive Award Program.-

16 (1) PURPOSE.-The Business Attraction Incentive Award
17 Program is created within the Office of Tourism, Trade, and
18 Economic Development to encourage the relocation of businesses
19 to the state by providing finder's fees to persons who attract
20 businesses to this state.

21 (2) DEFINITIONS.-As used in this section, the term:

22 (a) "Finder" means a Florida resident, as defined by s.
23 317.0003, Florida Statutes, who is not employed by the state or
24 a local government or by a state or local economic development
25 organization, and who introduces and brings parties together in
26 a manner that results in the relocation of a business to this
27 state.

28 (b) "Office" means the Office of Tourism, Trade, and
29 Economic Development within the Executive Office of the

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30 Governor.

31 (3) CRITERIA AND ELIGIBILITY.—A finder may submit a claim
32 for a finder's fee to the office within 1 year after a business
33 relocates to this state. The claim must:

34 (a) Include a copy of the written contract between the
35 finder and the relocated business pursuant to which the finder
36 assisted the business in selecting a site for relocation.

37 (b) Include the estimated impact on state revenues
38 resulting from the relocation. The revenue impact must be
39 calculated by the use of a method approved by the office.

40 (c) Establish that the relocated business is a target
41 industry business, as defined in s. 288.106, Florida Statutes.

42 (d) Establish that the relocated business has created new
43 full-time jobs in this state.

44 (e) Establish that the new jobs created by the relocated
45 business pay an average annual wage of at least 125 percent of
46 the area-wide or statewide private-sector average wage and at
47 least the average industry wage for newly created jobs.

48 (4) FINDER'S FEE; ELIGIBLE AMOUNTS.—

49 (a) The office shall develop a methodology by rule to
50 provide cash incentives to finders based on the estimated impact
51 on state revenues by a relocated business.

52 (b) The incentive may not exceed 10 percent of the total
53 estimated state revenues resulting from the business for the 4-
54 year period after the business relocates.

55 (5) PAYMENT OF THE FINDER'S FEE.—

56 (a) The office shall issue a notice of intent to approve or
57 deny a claim for a finder's fee within 60 days after completion
58 of an application for a claim. The office shall provide the

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59 notice by letter to the finder.

60 (b) The office shall approve all claims for a finder's fee
61 which satisfy the criteria in section (3), up to the amount
62 appropriated by the Legislature. The amount approved by the
63 office may not exceed the total amount appropriated for finder's
64 fees in each fiscal year.

65 (c) If the Legislature does not appropriate an amount
66 sufficient to satisfy all approved claims, the office shall
67 notify finders having approved claims that the claim will be
68 paid if funds are appropriated for that purpose in the next
69 fiscal year.

70 (d) Upon approval of a finder's fee, payment shall be made
71 for the amount specified in the final order.

72 (e) The office may not pay a finder's fee until the notice
73 of intent to issue an award becomes final.

74 (6) PENALTIES.—A person who fraudulently claims a finder's
75 fee pursuant this section:

76 (a) Is liable for repayment of the amount of the incentive
77 award paid, plus a mandatory penalty in the amount of 200
78 percent of the award claimed, which shall be deposited in the
79 General Revenue Fund.

80 (b) Commits a felony of the third degree, punishable as
81 provided in s. 775.082, s. 775.083, or s. 775.084, Florida
82 Statutes.

83 (7) RULEMAKING.—The office may adopt rules to administer
84 this section.

85 Section 2. This act shall take effect July 1, 2009.