

26 liberal construction; providing for severability under
 27 specified circumstances; providing a contingent
 28 effective date.

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

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 32 Section 1. The Agreement for Best Practices in Economic
 33 Development is hereby enacted and entered into by this state
 34 with all other jurisdictions legally joining it in the form
 35 substantially as follows:

36
 37 AGREEMENT FOR BEST PRACTICES IN ECONOMIC DEVELOPMENT

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 39 ARTICLE I

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 41 Title

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 43 This act shall be known and cited as the "Agreement for
 44 Best Practices in Economic Development."

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 46 ARTICLE II

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 48 Definitions

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 50 As used in this agreement, unless the context clearly

51 indicates otherwise, the following terms have the following
52 meanings:

53 (1) "Best practices" means the laws, policies, and
54 procedures that have been demonstrated to support the most
55 amount of economic growth with the least amount of taxpayer
56 investment.

57 (2) "Board" means the National Board for Best Practices in
58 Economic Development that may be established by the member
59 states. Nonvoting membership shall be open to any county,
60 municipality, metropolitan planning organization, special
61 district, community development district, or economic
62 development agency under terms established by the board.

63 (3) "Company-specific grant" means any disbursement of
64 funds, whether property, cash, or deferred or reduced tax
65 liability, by a state or local agency to a particular company.

66 (4) "Company-specific tax incentive" means any change in
67 the general tax rate or valuation offered or presented to a
68 specific company that is not available to other similarly
69 situated companies.

70 (5) "Corporate giveaway" means any company-specific or
71 industry-specific disbursement of funds, whether property, cash,
72 or deferred or reduced tax liability, by a state or local agency
73 to a particular company or industry.

74 (6) "Local agency" means a county, municipality,
75 metropolitan planning organization, special district, community

76 development district, or economic development agency.

77 (7) "Located in any other member state" means any
 78 corporate headquarters, office space, manufacturing facility, or
 79 other real estate development that is physically located in
 80 another member state, regardless of whether the company has
 81 other property in the member state.

82 (8) "Member state" means any state or the District of
 83 Columbia that has enacted a statute agreeing to this agreement.

84 (9) "Nonvoting member" means any county, municipality,
 85 metropolitan planning organization, special district, community
 86 development district, or economic development agency that seeks
 87 to join the board. A nonvoting member may not appoint a voting
 88 member to the board for governance purposes.

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 90 ARTICLE III

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 92 Findings

93
 94 The member states find that:

95 (1) Corporate giveaways are among the least effective uses
 96 of taxpayer dollars to create and maintain jobs.

97 (2) Local and state leaders are in a prisoners' dilemma in
 98 which it is in the public interest to create a level playing
 99 field for all companies without any corporate giveaways, but
 100 each level of government has an incentive to subsidize a

101 company, generating a race to the bottom.

102 (3) Governments should attract and retain entrepreneurs
103 and companies based on general conditions, including modern
104 infrastructure, an educated workforce, a clean environment, and
105 a favorable tax and regulatory climate, not based on a specific
106 grant for a particular company.

107 (4) Corporate giveaways fuel business inequality since the
108 largest businesses receive the vast majority of these funds.

109 (5) Entrepreneurs and companies have a legitimate right to
110 determine the optimal site selection plans for future growth,
111 and providing decisionmakers with all the relevant information
112 is among the most important tasks for economic development
113 officials.

114 (6) Despite enormous amounts of publicly generated data
115 and federally required planning reports from several different
116 agencies, it remains difficult for entrepreneurs and companies
117 to access relevant, actionable information to assist them in
118 their planning decisions.

119 (7) State and local agencies tasked with economic
120 development would benefit from a shared resource devoted to
121 discovering and disseminating best practices to help officials
122 implement policies and programs that benefit all entrepreneurs
123 and companies equally rather than relying on company-specific
124 giveaways that only benefit a few.

125 (8) A board for best practices in economic development

126 charged with finding consensus around best practices in economic
127 development for states and local agencies to consider
128 implementing in a collaborative manner will assist state and
129 local agencies in escaping from the prisoners' dilemma of
130 company-specific tax incentives and company-specific grants and
131 assist in implementing a level playing field for all companies.

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133 ARTICLE IV

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135 National Board for Best Practices in Economic Development

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137 (1) This agreement establishes a national board for best
138 practices in economic development. The chief executive officer
139 of each member state shall appoint three members to the board.
140 State legislators may be appointed as members.

141 (2) The board shall accept nonvoting members from
142 nonmember states and from any local agency that wishes to join
143 the board under the terms established by the board.

144 (3) The board may publish a schedule of dues for member
145 states and nonvoting members.

146 (4) The board shall convene at least annually, either
147 remotely or in person, to elect officers from its membership and
148 to establish rules and procedures for its governance.

149 (5) The board shall:

150 (a) Publish and disseminate a national shared resource of

151 best practices in economic development to move away from
152 company-specific tax incentives and company-specific grants and
153 move toward collaborative policies that equally assist all
154 communities, entrepreneurs, and companies. The board shall
155 accept and publish all planning and economic development reports
156 submitted to it by member states and nonvoting members.

157 (b) Suggest revisions to this agreement in December of
158 every year to strengthen the agreement for member and nonmember
159 states. Suggested revisions should support member states in
160 moving toward evidence-based economic development policies and
161 away from company-specific expenditures.

162 (6) The board shall collect testimony from all interested
163 parties, including academic and subject matter experts,
164 companies, organizations, local agencies, and associations
165 representing state legislators and governors, on how to improve
166 economic development and strengthen this agreement.

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168 ARTICLE V

169
170 Anti-poaching Prohibition

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172 A member state may not offer or provide to a company that
173 is located in any other member state any company-specific tax
174 incentive or company-specific grant for a corporate
175 headquarters, manufacturing facility, office space, or other

176 real estate development to induce the company to relocate its
 177 corporate headquarters, manufacturing facility, office space, or
 178 other real estate development to the offering member state.

180 ARTICLE VI

182 Exclusions

184 (1) Workforce development grants to train employees are
 185 not subject to this agreement.

186 (2) Company-specific tax incentives or company-specific
 187 grants from local agencies are not subject to this agreement.

188 (3) Company-specific tax incentives or company-specific
 189 grants from a state to a company for a corporate headquarters,
 190 office space, a manufacturing facility, or other real estate
 191 development located within its own state are not subject to this
 192 agreement.

194 ARTICLE VII

196 Transparency

198 (1) All proposed and existing economic development
 199 agreements from any jurisdiction in any member state by a local
 200 agency are subject to the member state's public records laws. A

201 local agency may not enter into an economic development
202 agreement that involves any company-specific tax incentive or
203 company-specific grant with any company that is not public and
204 is exempt from the member state's public records laws.

205 (2) All products and resources produced by the board are
206 public and shall be published and accessible on a website.

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208 ARTICLE VIII

209
210 Data and Report Sharing

211
212 In order to assist the board in compiling and publishing
213 the national shared resource for economic development, each
214 member state shall provide to the board electronic copies of all
215 economic development and planning reports generated as part of
216 federal or state programmatic activities.

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218 ARTICLE IX

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220 Withdrawal

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222 A member state may withdraw from this agreement with 6
223 months' notice and must do so in writing to the chief executive
224 officer of every other member state.

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226 ARTICLE X

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228 Enforcement

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230 The chief law enforcement officer of each member state
231 shall enforce this agreement.

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233 ARTICLE XI

234
235 Construction and Severability

236
237 (1) This agreement shall be liberally construed to
238 effectuate its purposes.

239 (2) If any phrase, clause, sentence, or provision of this
240 compact or the applicability of any phrase, clause, sentence, or
241 provision of this agreement to any government, local agency,
242 person, or circumstance is declared in a final judgment by a
243 court of competent jurisdiction to be contrary to the
244 constitution of the United States or is otherwise held invalid,
245 the validity of the remainder of this agreement and the
246 applicability of the remainder of this agreement to any
247 government, local agency, person, or circumstance will not be
248 affected.

249 (3) If this agreement is held to be contrary to the
250 constitution of any member state, the agreement shall remain in

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251 | full force and effect as to the remaining member states and
252 | shall remain in full force and effect as to the affected member
253 | state related to all severable matters.

254 | Section 2. This act shall take effect upon the adoption of
255 | the agreement by two or more states.