

**PROPOSED**

## ORDINANCE NO.

1  
2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
3 COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY JOB  
4 GROWTH/ECONOMIC DEVELOPMENT INCENTIVES ACT; AMENDING  
5 SECTIONS 9½-50 THROUGH 9½-55 OF THE BROWARD COUNTY CODE OF  
6 ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE  
7 CODE, AND AN EFFECTIVE DATE.

8 (Sponsored by the Board of County Commissioners)  
9

10 WHEREAS, the State of Florida's Qualified Target Industry Tax Refund Program  
11 (the "QTI Program") was an economic development tool available to Florida communities  
12 to encourage the creation and retention of high-wage jobs in high value-added industries;

13 WHEREAS, the QTI Program was designed to encourage investment in Florida by  
14 offsetting taxes, fees, or other costs, and Broward County (the "County") utilized the  
15 QTI Program to incentivize targeted industry businesses to relocate to or expand within  
16 Broward County;

17 WHEREAS, the QTI Program sunsetted by statute on June 30, 2020; and

18 WHEREAS, the Board of County Commissioners of Broward County ("Board")  
19 desires to amend Sections 9½-50 through 9½-55 of the Broward County Code of  
20 Ordinances to create a Strategic Job Creation Incentive Program to encourage targeted  
21 industry businesses to relocate to or expand within Broward County,

22 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
23 BROWARD COUNTY, FLORIDA:

24 Section 1. Section 9½-50 of the Broward County Code of Ordinances is hereby  
25 amended to read as follows:

26 **Sec. 9½-50. Title; Finding and Declaration; Purpose.**

27 (a) This article may be cited as the "Broward County ~~Job Growth/Economic~~  
28 ~~Development~~ Incentives Act."

29 (b) It is hereby determined by the Board of County Commissioners of Broward  
30 County, Florida ("Board"), that the provision of job growth/economic development  
31 incentives pursuant to this article serves the public purpose of fostering economic growth  
32 in Broward County, all to the benefit of the County's residents. The Board ~~of County~~  
33 ~~Commissioners~~ declares its intent to promote the economy of Broward County by  
34 encouraging businesses to create, relocate, or to expand their operational facilities within  
35 Broward County through the "Broward County ~~Job Growth/Economic Development~~  
36 Incentives Act."

37 (c) The Board ~~of County Commissioners~~ created the "Broward County ~~Job~~  
38 ~~Growth/Economic Development~~ Incentives Act" ~~in order~~ to promote and enhance  
39 economic growth within Broward County, and to provide a competitive advantage in the  
40 attraction of new and expanded businesses to Broward County.

41 Section 2. Section 9½-51 of the Broward County Code of Ordinances is hereby  
42 amended to read as follows:

43 **Sec. 9½-51. Definitions.**

44 As used in this article, unless the context otherwise requires:

45 (a) *Agency for Workforce Innovation* means the ~~State~~ of Florida's lead workforce  
46 agency that provides directly administers the state's Labor Market Statistics information  
47 and ~~directly administers workforce services Center~~, unemployment compensation, and  
48 various other programs.

49 (b) *Average annual wage* means the average of all wages and salaries in ~~Broward~~  
50 ~~County or the state of Florida~~ a particular locality, as determined by the ~~Agency for~~  
51 ~~Workforce Innovation~~ United States Bureau of Labor Statistics.

52 (c) *Board* means the Board of County Commissioners of Broward County, Florida.

53 (d) ~~The Greater Fort Lauderdale Alliance, or such other organization~~ means the  
54 ~~organization under contract with Broward County to assist with, and perform, the duties~~  
55 ~~described in Section 9½-11, Broward County Code of Ordinances.~~

56 (e) *Business* means an employing unit, ~~which~~ that is registered with the Agency for  
57 Workforce Innovation for unemployment compensation purposes; or a subcategory or  
58 division of an employing unit ~~which~~ that is accepted by the United States Department of  
59 Labor as a reporting unit.

60 (f) *Corporate headquarters business* means an international, national, or regional  
61 headquarters office of a multinational or multistate business enterprise or national trade  
62 association, whether separate from or connected with other facilities used by such  
63 business.

64 County means Broward County, a political subdivision of the State of Florida.

65 Cumulative average annual salary means the average salary of the new jobs  
66 created by the approved company, determined cumulatively over the time period(s)  
67 specified in the incentive award. Cumulative average annual salary refers only to newly

68 created jobs at the project location defined in the incentive application and does not refer  
69 to preexisting jobs at the project location defined in the incentive application or jobs (either  
70 newly created or preexisting) at locations other than the project location.

71 ~~(g) *Direct cash*, as distinguished from local match, means incentive dollars offered or~~  
72 ~~paid by Broward County, municipalities, or other local agencies to attract business~~  
73 ~~relocation or expansion.~~

74 ~~(h) *Director*~~ means the Director of the Broward County Office of Economic and Small  
75 Business Development, or successor agency.

76 ~~(i) *Enterprise Florida, Inc., or Enterprise Florida*~~ means the public-private partnership  
77 serving as an organization devoted to statewide economic development to recruit and  
78 expand businesses.

79 ~~(j) *Enterprise Zone*~~ means an area designated as an enterprise zone pursuant to  
80 Section 290.0065, Florida Statutes, as amended.

81 ~~(k) *Expansion of an existing business*~~ means the expansion of a business by or  
82 through additions to real and/or personal property on a site with a commercial or industrial  
83 operation owned by the same business, resulting in a net increase in ~~employment~~ the  
84 number of jobs at such business of not less than ten percent (10%) ~~at such business.~~

85 ~~(l) *Financially responsible*~~ means the applicant has a reputation for integrity and  
86 reliability, and the capability in all respects to fully perform the contract requirements, ~~to~~  
87 ~~assure~~ ensure good faith performance.

88 ~~(m) *Fiscal year*~~ means the fiscal year of Broward County.

89 ~~(n) *Florida Department of Economic Opportunity, or successor agency*~~, means the  
90 sState of Florida's agency ~~which~~ that provides executive direction and staff support to

91 develop policies for economic diversification and improvement in Florida's business  
92 climate, or any successor agency.

93 Greater Fort Lauderdale Alliance or Alliance means The Broward Alliance, Inc.,  
94 which is under contract with Broward County to assist with and perform the duties  
95 described in the Broward County Economic Incentives Act, or any successor agency.

96 ~~(o) High-impact project means a project that meets capital investment thresholds in~~  
97 ~~Section 288.108, Florida Statutes, as amended.~~

98 ~~(p) High wage means a wage higher than the average for Broward County with the~~  
99 ~~specific threshold determined by the particular incentive program.~~

100 ~~(q) Jobs means full-time equivalent positions, as such terms are consistent with terms~~  
101 ~~used by the United States Department of Labor for purposes of unemployment~~  
102 ~~compensation tax administration and employment estimation, resulting directly from a~~  
103 ~~project in this state. This number shall not include temporary construction jobs involved~~  
104 ~~with the construction of facilities for the project or any jobs which that have previously~~  
105 ~~been included in any application for tax refunds incentives under this article or~~  
106 ~~Section 288.106, Florida Statutes as amended the Broward County Economic Incentives~~  
107 ~~Act or any state or federal economic development incentive program.~~

108 ~~(r) Local financial support or local match means funding from local sources, public or~~  
109 ~~private, which is paid to the state of Florida Economic Development Trust Fund and which~~  
110 ~~is equal to twenty percent (20%) of the annual tax refund for a qualified target industry~~  
111 ~~business, or funding from local sources as may be required under state or federal~~  
112 ~~programs qualified business or to an agency designated by the state or federal~~  
113 ~~government pursuant to a state or federal economic incentive program. A qualified target~~

114 industry business may not provide, directly or indirectly, more than five percent (5%) of  
115 such funding in any fiscal year. Unless expressly permitted by law or policy, the sources  
116 of such funding may not include, directly or indirectly, state funds appropriated from the  
117 state of Florida General Revenue Fund or any state trust fund, excluding tax revenues  
118 shared with local governments.

119 (s) *New business* means a business ~~which heretofore~~ that did not previously exist in  
120 Broward County, ~~which~~ is a legal entity separate from any other commercial or industrial  
121 operation ~~that,~~ and opens, or has opened, a facility at a fixed location within Broward  
122 County.

123 *New job* means a job as defined herein that also meets the following requirements:

124 (a) must be a job new to Broward County and must not be a job recruited or advertised in  
125 Broward County prior to the date of County's issuance of a provisional determination of  
126 eligibility for an economic development incentive to the company; (b) must not be a rehire  
127 of previously laid-off position(s); and (c) must be a full-time equivalent job.

128 (t) *Office* means the Broward County Office of Economic and Small Business  
129 Development, or successor agency.

130 (u) *Project* means the creation of a new business, or the relocation, or expansion of  
131 an existing business.

132 (v) ~~*Qualified target industry business* means a state identified target industry business~~  
133 ~~or any business that is engaged in one (1) of the target industries identified pursuant to~~  
134 ~~Section 288.106, Florida Statutes, as amended.~~

135 *Relocation* means the relocation of a firm's operations to Broward County from  
136 outside of the County.

137           Remote worker means an employee who primarily works from a residential  
138 location instead of onsite at the business location of the employer company.

139        (w) *Research and Development Facility* means a facility that conducts basic and  
140 applied research in science or engineering, as well as the design, development, and  
141 testing of prototypes or processes of new or improved products. Research and  
142 development does not mean market research, routine consumer product testing, sales  
143 research, research in the social sciences or psychology, ~~non-technological~~  
144 nontechnological activities, or technical services.

145        (x) *Special Project* means the creation of a new business, or the expansion, or  
146 relocation of an existing business, that has incentive analysis and ~~pay-outs~~ payouts  
147 extending beyond six (6) years up to twenty (20) years. Special Project companies do not  
148 need to meet the Targeted Industry Business criteria; however, they must meet one (1)  
149 of the criteria established pursuant to ~~Subsection 9½-52(d)(1)d.~~, Broward County Code  
150 of Ordinances, as amended.

151        (y) *Targeted Industry Business* means any business that is engaged in one (1) of the  
152 ~~Targeted~~ industries identified by the Office and approved by the Board.

153           Third-Party Administrator means a company contracted by the County to  
154 independently verify the progress and completion of incentive award requirements by  
155 incentive recipients.

156           Section 3.    Section 9½-52 of the Broward County Code of Ordinances is hereby  
157 amended to read as follows:

158    **Sec. 9½-52. Economic Incentive Programs and Inducements.**

159           (a) ~~Broward~~ The County will provide or participate in economic incentive  
160 programs whereby new businesses are created in Broward County, or existing  
161 businesses consider relocation to or expansion within ~~the~~ Broward County. Approved  
162 companies may receive financial benefits directly related to job creation and positive  
163 economic impact on the community. ~~Broward~~ The County may provide an economic  
164 incentive directly to approved businesses or may provide local matching dollars as a  
165 portion of an ~~overall job creation~~ state or federal incentive offer. Companies eligible for  
166 an economic incentive or local financial support match from the County ~~participation~~ must  
167 meet the applicable criteria for the specified incentive program. County incentives ~~will~~  
168 may be awarded to existing companies relocating from Miami-Dade or Palm Beach  
169 counties; only upon satisfactory demonstration to the Board of ~~County Commissioners~~  
170 that such companies would otherwise exit the tri-county area. ~~Incentives will be~~  
171 ~~determined based only upon the number of new jobs created and not the number of~~  
172 ~~existing company employees.~~ The ~~Broward County Job Growth/Economic Development~~  
173 ~~Incentives Program will be comprised of:~~ economic development incentives provided by  
174 the County include a Direct Cash/Job Creation Incentive Program; and a ~~Tax Refund~~  
175 ~~Incentive Program for Qualified Target Industry Business (QTI), a High-Impact Sector~~  
176 ~~Incentive Program, and/or any Alternative State or Federal Local Match~~ Strategic Job  
177 Creation Incentive Program. The ~~Broward County Job Growth/Economic Development~~  
178 ~~Inducements are~~ County also provides economic inducements such as Public Facilities  
179 Improvements and Permitting Facilitation Inducements. The County may provide local  
180 financial support to businesses that qualify for state or federal economic incentive  
181 programs.



182 (b) In determining whether to provide any economic development incentive  
183 described in Subsection (a), an analysis shall be conducted by the Office, or ~~the Greater~~  
184 ~~Fort Lauderdale Alliance, or such other organization,~~ as to whether the tax revenue and  
185 other indirect economic benefits generated to ~~Broward~~ the County Government from the  
186 relocated, new, or expanded business will cover the amount of any actual incentive award  
187 granted to an applicant within a period not to exceed the term of the projected job creation  
188 and retention commitment. The categories or levels of indirect economic benefit will be  
189 considered by the Board prior to ~~consideration of such benefits~~ approval of an incentive  
190 award. Any tax revenue/economic impact incentive payment analysis conducted by the  
191 County shall consider sales, tax revenue, economic impact, intangibles, personal property  
192 taxes, and ad valorem real property taxes, as applicable, generated by the applicant,  
193 along with other direct and indirect economic benefits. The Board may authorize the  
194 consideration of other factors determined by an economist or consultant from time to time,  
195 prior to submission by applicants.

196 (c) Applicants seeking an economic development incentive award pursuant to  
197 ~~any program established by~~ this section must comply with the criteria established  
198 hereunder.

199 (d) Economic Development Incentive Programs:

200 (1) *Direct Cash/Job Creation Incentive Program.* This County incentive  
201 program provides a monetary award to new, relocating, or expanding  
202 Targeted Industry Businesses and businesses that meet the Special Project  
203 criteria, that provide the County with a positive return on investment based  
204 upon each company's projected capital investment and number of new jobs

205 created in Broward County. Any incentive awarded under this program will  
206 be paid by the County and/or the municipality in which the company is  
207 created, relocated, or expanded. The County and the applicable  
208 municipality will negotiate the percentage each will contribute based upon  
209 an analysis of projected tax revenue receipts over the incentive period. The  
210 County may elect to award this incentive without municipal contribution, and  
211 the County shall pay one hundred percent (100%) of incentive awards for  
212 new jobs created within unincorporated areas of Broward County.

213 a. ~~Broward County may award cash incentives to new, relocating, or~~  
214 ~~expanding companies based upon the number of new jobs created~~  
215 ~~in Broward County. Such cash incentives under this program may~~  
216 be granted to qualified companies that pay at least  
217 one hundred fifteen percent (115%) of the average annual wage in  
218 Broward County and create a minimum of ten (10) new jobs, with the  
219 exception of Special Projects. ~~Cash incentives under this program~~  
220 shall not exceed ~~more than~~ two thousand dollars (\$2,000.00) for  
221 each full-time, permanent new job created.

222 b. ~~Direct cash incentives authorized under this subsection may be~~  
223 ~~combined with state and local match incentive programs.~~

224 c. ~~Broward County may pay one hundred percent (100%) of cash~~  
225 ~~incentives for new jobs created in unincorporated areas of Broward~~  
226 ~~County. Broward County may negotiate, with local municipalities, a~~  
227 ~~share of any local participation for new jobs created within a~~

228 municipality. The County's share, if any, shall be negotiated with the  
229 municipality after an analysis of tax revenue receipts projected over  
230 the incentive period.

231 d. Special Project Category. Special projects do not need to meet the  
232 Targeted Industry Business criteria; however, they must meet at  
233 least one (1) of the following criteria:

234 1. The Creation of at least one (1) new job and a projected  
235 minimum cumulative capital investment for special projects is  
236 of ~~Twenty-five million Dollars~~ (\$25,000,000) cumulative  
237 capital investment for up to within twenty (20) years. ~~Research~~  
238 ~~and development facilities must make or a~~  
239 ~~ten million dollar (\$10,000,000) or more projected~~  
240 cumulative capital investment for the construction or  
241 development of Research and Development Facilities; or

242 2. The Creation of at least fifty (50) new, full-time jobs, or  
243 twenty-five (25) new jobs for new or existing Research and  
244 Development Facilities must create at least twenty-five (25)  
245 new, full-time jobs.

246 (2) ~~Tax Refund Program for Qualified Target Industry Business (QTI). This state~~  
247 ~~incentive program is used to attract Qualified Target Industry Business (QTI)~~  
248 ~~to Florida for high quality, high wage employment opportunities and is~~  
249 ~~available for companies creating a minimum requisite number of new jobs~~  
250 ~~and meeting the criteria set forth in Section 288.106, Florida Statutes, as~~

251 ~~amended. Broward County may award cash incentives for new companies~~  
252 ~~or to companies relocating or expanding their existing businesses based~~  
253 ~~upon the number of new jobs created in the County. Companies eligible for~~  
254 ~~County participation must meet the criteria pursuant to Section 288.106,~~  
255 ~~Florida Statutes, as amended, which criteria include:~~

256 a. ~~*Future growth:* Industry forecasts should indicate strong expectation~~  
257 ~~for future growth in both employment and output, according to the~~  
258 ~~most recent available data. Special consideration should be given to~~  
259 ~~businesses that export goods to, or provide services in, international~~  
260 ~~markets and businesses that replace domestic and international~~  
261 ~~imports of goods or services.~~

262 b. ~~*Stability:* The industry should not be subject to periodic layoffs,~~  
263 ~~whether due to seasonality or sensitivity to volatile economic~~  
264 ~~variables such as weather. The industry should also be relatively~~  
265 ~~resistant to recession, so that the demand for products of this~~  
266 ~~industry is not typically subject to decline during an economic~~  
267 ~~downturn.~~

268 c. ~~*High wage:* The industry should pay relatively high wages compared~~  
269 ~~to statewide or area averages.~~

270 d. ~~*Market and resource independent:* The location of industry business~~  
271 ~~should not be dependent on Florida markets or resources as~~  
272 ~~indicated by industry analysis, except for businesses in the~~  
273 ~~renewable energy industry.~~

274 e. ~~Industrial base diversification and strengthening~~: The industry should  
275 contribute toward expanding or diversifying the state's or area's  
276 economic base, as indicated by an analysis of employment and  
277 output shares compared to national and regional trends. Special  
278 consideration should be given to industries that strengthen regional  
279 economies by adding value to basic products or building regional  
280 industrial clusters as indicated by industry analysis. Special  
281 consideration should also be given to the development of strong  
282 industrial clusters that include defense and homeland security  
283 businesses.

284 f. ~~Economic benefits~~: The industry should have strong positive impacts  
285 on, or benefits to, the county, state, or regional economies.

286 (2) Strategic Job Creation Incentive Program. This County incentive program  
287 provides a monetary award to new, relocating, or expanding Targeted  
288 Industry Businesses, and businesses that create manufacturing jobs, that  
289 provide the County a positive return on investment based upon the number  
290 of new jobs created in Broward County and their corresponding cumulative  
291 average annual salaries. The County may negotiate with the local  
292 municipality to pay a share of any incentive award for new jobs created  
293 within the municipality based upon an analysis of projected tax revenue  
294 receipts over the incentive period. The amount of the award may be divided  
295 between the County and the municipality, with up to thirty percent (30%) of  
296 the award paid by the municipality. The County may elect to award this

297 incentive without municipal contribution, and the County shall pay one  
298 hundred percent (100%) of incentive awards for new jobs created within  
299 unincorporated areas of Broward County.

300 a. Incentives under this program may be granted to qualified  
301 companies that create new jobs with salaries that exceed the  
302 average annual wage in Broward County. The amount of any  
303 incentive award under this program will vary according to the salary  
304 of the jobs created and retained but shall not exceed  
305 Two Thousand Dollars (\$2,000) per new job.

306 b. The award for each new job created and retained under this program  
307 shall be as follows:

308 1. Manufacturing jobs with a cumulative average annual salary  
309 that exceeds the average annual wage in Broward County will  
310 be eligible for up to Seven Hundred Fifty Dollars (\$750) per  
311 new job.

312 2. New jobs in any of the targeted industries with a cumulative  
313 average annual salary that is more than one hundred fifteen  
314 percent (115%) and not more than one hundred fifty percent  
315 (150%) of the average annual wage in Broward County will be  
316 eligible for up to One Thousand Dollars (\$1,000) per new job.

317 3. New jobs in any of the targeted industries with a cumulative  
318 average annual salary that is more than one hundred fifty  
319 percent (150%) and not more than two hundred percent

320 (200%) of the average annual wage in Broward County will be  
321 eligible for up to One Thousand Five Hundred Dollars  
322 (\$1,500) per new job.

323 4. New jobs in any of the targeted industries with a cumulative  
324 average annual salary that is more than two hundred percent  
325 (200%) of the average annual wage in Broward County will be  
326 eligible for up to Two Thousand Dollars (\$2,000) per new job.

327 c. The Strategic Job Creation Incentive Program shall automatically  
328 expire upon the reinstatement of the State of Florida Qualified Target  
329 Industry (QTI) Tax Refund Program, previously codified in  
330 Section 288.106, Florida Statutes, which sunsetted on June 30,  
331 2020. If the QTI Tax Refund Program is reinstated, any preexisting  
332 agreements and incentive awards approved by the Board under the  
333 Strategic Job Creation Incentive Program shall not be impacted by  
334 such reinstatement.

335 (3) ~~High-Impact Performance Sector Incentive Program. This state incentive~~  
336 ~~program is negotiated between the state of Florida, Broward County, and~~  
337 ~~the proposed municipality to attract and grow high-impact facilities and is~~  
338 ~~available for companies creating a minimum requisite number of new jobs~~  
339 ~~and meeting the criteria set forth in Section 288.108, Florida Statutes, as~~  
340 ~~amended. Companies eligible for County participation must meet the~~  
341 ~~criteria pursuant to Section 288.108, Florida Statutes, as amended.~~

342 (4) ~~Alternative state or federal Llocal Mmatch or incentive Pprogram.~~ Broward  
343 The County may provide local ~~matching dollars~~ financial support as a  
344 portion of an overall job creation incentive offer to companies considering  
345 the creation of a new business in, or relocating to, or expanding within,  
346 Broward County. Companies eligible for County participation must meet the  
347 applicable state or federal agency criteria associated with any ~~new~~ program  
348 incentives introduced by the issuing state or federal agency. Board approval  
349 is required prior to the award of any local financial support by the County.

350 . . .

351 Section 4. Section 9½-53 of the Broward County Code of Ordinances is hereby  
352 amended to read as follows:

353 **Sec. 9½-53. Economic Incentive Application Selection Criteria; Economic**  
354 **Incentive Payments.**

355 (a) The following factors will be considered in reviewing applications for state  
356 or federal economic incentive programs ~~established~~ pursuant to Section 9½-52(d)(3),  
357 ~~Broward County Code of Ordinances, as amended:~~

358 (1) The company must be financially responsible and (prior to approval of  
359 incentives) must comply with the County requirements to produce  
360 appropriate financial statements (financial statements of the company for  
361 the three (3) most recent years or, if less than three (3) years are available,  
362 audited or nonaudited financial statements of the principal(s) of the  
363 company for the balance of the three (3) year period, ~~by non-audited~~  
364 ~~personal financial statements of the principal(s) of the company, in a form~~



365 ~~reasonably acceptable to the County. If the company is new, the County~~  
366 ~~requires non-audited personal financial statements of the principal(s) of the~~  
367 ~~company for the most recent three (3) years, in a form reasonably~~  
368 ~~acceptable to the County). The County, through the Office, shall conduct a~~  
369 ~~review of the company's or and the principals' financial statements prior to~~  
370 ~~approval of any incentives. The County Administrator or Director may~~  
371 ~~assign the review of the company's financial statements to ~~the Greater~~~~  
372 ~~Fort Lauderdale Alliance, or such other organization.~~

373 . . .

374 (b) The following requirements and factors will be considered in reviewing  
375 applications for economic incentive programs exclusive to the County established  
376 pursuant to Section 9 $\frac{1}{2}$ -52(d), ~~Broward County Code of Ordinances:~~

377 (1) The company must be a Targeted Industry Business, unless it meets the  
378 Special Project criteria under the Direct Cash/Job Creation Incentive  
379 Program or creates manufacturing jobs under the Strategic Job Creation  
380 Incentive Program. The Office, in consultation with ~~the Greater Fort~~  
381 ~~Lauderdale Alliance, or such other organization,~~ shall develop a list of such  
382 targeted industries and review the list annually. ~~The Targeted Industry list~~  
383 ~~shall be approved by the Board.~~

384 (2) The company must create a minimum of ten (10) new full-time, equivalent  
385 jobs, unless the company meets the Special Project criteria under the Direct  
386 Cash/Job Creation Incentive Program.

- 387 (3) New jobs must be ~~created within a twelve (12) month period~~ and retained  
388 for a minimum of twelve (12) months.
- 389 (4) Wages for new jobs must be at least one hundred fifteen percent (115%) of  
390 the average annual wage in Broward County with the exception of Special  
391 Projects under the Direct Cash/Job Creation Incentive Program and  
392 manufacturing jobs under the Strategic Job Creation Incentive Program.  
393 Under the Strategic Job Creation Incentive Program, manufacturing jobs  
394 must exceed the average annual wage in Broward County.
- 395 (5) The company's ~~share~~ must derive a minimum of fifty percent (50%) of its  
396 gross revenues from products or services ~~derived from~~ provided to  
397 customers outside of Broward County ~~should not exceed fifty percent~~  
398 ~~(50%)~~.
- 399 (6) The company must be financially responsible and (prior to approval of  
400 incentives) must comply with County requirements to produce appropriate  
401 financial statements (financial statements of the company for the three (3)  
402 most recent years or, if less than three (3) years are available, audited or  
403 nonaudited financial statements of the principal(s) of the company for the  
404 balance of the three (3) year period, ~~by non-audited personal financial~~  
405 ~~statements of the principal(s) of the company, in a form reasonably~~  
406 ~~acceptable to the County. If the company is new, the County requires non-~~  
407 ~~audited personal financial statements of the principal(s) of the company for~~  
408 ~~the most recent three (3) years, in a form reasonably acceptable to the~~  
409 County). The County, through the Office, shall conduct a review of the

410 ~~company's~~ financial statements prior to approval of any incentives. The  
411 County Administrator or Director may assign the review of the ~~company's~~  
412 financial statements to ~~the Greater Fort Lauderdale Alliance, or such other~~  
413 ~~organization.~~

414 (7) The County's tax revenue/incentive payout analysis must show projected  
415 revenue receipts in excess of projected incentive payments over the  
416 specified period of the award, and a net positive return on investment to the  
417 County over the same period.

418 (8) The company seeking an economic incentive award must also demonstrate  
419 that its business activity will have a significant contribution to the area's  
420 economy and the economic growth of ~~the~~ Broward County, including the  
421 indirect new jobs created as spinoffs from the company's investments and  
422 new jobs, and that the business activity will produce a higher standard of  
423 living for the residents of Broward County.

424 (9) The company must agree in its application to the inclusion of sanctions for  
425 failure to meet performance conditions, including any clawback provisions.

426 (10) To apply for an economic incentive under the programs established  
427 pursuant to Section 9½-52(d), ~~Broward County Code of Ordinances, as~~  
428 ~~amended~~, if the company is new or relocating to ~~the~~ Broward County, the  
429 company must file its application prior to the company making a final  
430 decision on the location of its facility. A binding lease commitment or  
431 executed property purchase agreement will be construed as a decision to  
432 locate a facility.

433           (11) County economic incentives may be awarded in addition to state and  
434           federal local financial support. Companies may be awarded an incentive  
435           under the Direct Cash/Job Creation Incentive Program or the Strategic Job  
436           Creation Incentive Program, or both.

437           (c) Payment of economic incentive claims for State of Florida or federal  
438 incentive programs.

439           (1) Under state incentive programs, incentive payments are made by the State  
440           of Florida through state agencies, such as Enterprise Florida. Any local  
441           financial support that is approved by the Board will be paid into the State of  
442           Florida's Economic Development Trust Fund, or such other fund identified  
443           by the state. Accordingly, the State of Florida will serve as the appropriate  
444           contact for the processing of payments pursuant to a state incentive  
445           program. For federal incentive programs, incentive payments will be made  
446           in accordance with the federal program guidelines. The company must  
447           submit a claim each year with the appropriate documentation to the  
448           applicable state or federal agency. The County will not pay any approved  
449           local financial support for a state or federal incentive directly to a company,  
450           unless required under the state or federal incentive program. Municipalities  
451           participating in any local match must separately pay their portion of the local  
452           match to the applicable federal or state agency. The County shall not be  
453           responsible for payment of a municipality's share of any local match  
454           required under a state or federal incentive program.

455           (2) The company must agree to submit to an audit of the company's hiring  
456           records, and any other records the County, state, or federal agency may  
457           determine necessary to verify the company's adherence to the incentive  
458           requirements.

459           (d) Payment of economic incentive claims for County incentive programs.

460           (1) The County shall enter into an agreement ("Incentive Agreement") with  
461           companies that are awarded County incentives ("Incentive Awardees").  
462           Incentive Awardees must submit claims for payment to the County for  
463           performance completed during each year by March 1 of the following year,  
464           and must submit claims for payment in the form and manner prescribed in  
465           the Incentive Agreement. Payment of any incentive claim will only be made  
466           after the Office, or the Third-Party Administrator, conducts a comprehensive  
467           performance audit confirming that the terms of the Incentive Agreement  
468           were satisfied.

469           (2) The payment schedule will be delineated in the Incentive Agreement and  
470           will be based on the number of new jobs the Incentive Awardee committed  
471           to create, multiplied by the per job incentive value, and then divided into  
472           installments over a number of years. The Incentive Awardee will only be  
473           paid for the new jobs that it created and retained that meet all applicable  
474           conditions and requirements.

475           (3) Incentive Awardees must agree to submit to audits of hiring records and  
476           other records determined by the County to be necessary to verify each  
477           Incentive Awardee's compliance with the applicable incentive program and

478 the associated Incentive Agreement. The County may utilize a Third-Party  
479 Administrator to review payment claims and other documentation from the  
480 Incentive Awardee to confirm that the terms of the applicable incentive  
481 program and the associated Incentive Agreement are satisfied.

482 (e) An Incentive Awardee may request one (1) one-year extension of an annual  
483 job creation requirement by submitting a written request to the Office at least  
484 ninety (90) days before the end of the applicable annual period. The County Administrator  
485 is authorized to approve such extension request. Any additional extension request shall  
486 be subject to Board approval.

487 (1) After receipt of a company's first extension request, the Office will notify the  
488 Incentive Awardee within sixty (60) days stating whether its extension  
489 request has been granted or denied. In determining whether an extension  
490 should be granted, the County Administrator may consider the extent to  
491 which negative economic conditions or other unforeseeable events have  
492 occurred and the impact on the Incentive Awardee's ability to comply with  
493 the terms and conditions of the Incentive Agreement. The County  
494 Administrator may also consider current employment statistics for Broward  
495 County by industry, including whether the Incentive Awardee's industry had  
496 substantial job loss during the prior year.

497 (2) If the Incentive Awardee was previously granted an extension request, the  
498 Office shall present a recommendation to the Board to approve or deny  
499 additional extension requests along with a summary of the reasoning  
500 provided in the extension request. The Incentive Agreement shall be

501 amended to reflect extensions granted under this section and include a  
502 revised payment schedule, if applicable.

503 (f) The County may elect to terminate an Incentive Agreement for cause if an  
504 Incentive Awardee fails to create the committed number of new jobs or fails to pay the  
505 committed cumulative average annual salary for new jobs during any annual period of the  
506 Incentive Agreement. Alternatively, the Incentive Awardee may be granted a prorated  
507 payment for the applicable annual period, reduced by five percent (5%), if all other  
508 applicable requirements have been satisfied and the Incentive Awardee proves to the  
509 satisfaction of the Office that:

510 (1) The Incentive Awardee has created at least eighty percent (80%) of its  
511 projected new jobs for the applicable annual period; and

512 (2) The cumulative average annual salary paid for new jobs created during the  
513 applicable annual period by the Incentive Awardee is at least  
514 ninety percent (90%) of the average annual wage specified in the Incentive  
515 Agreement, but in no case less than one hundred percent (100%) of the  
516 average annual wage in Broward County for the year in which the Board  
517 approved the incentive award.

518 If a prorated refund is allowed under the applicable Incentive Agreement, the  
519 Incentive Agreement shall specify the formula for calculating such prorated refund.

520 Section 5. Section 9½-54 of the Broward County Code of Ordinances is hereby  
521 amended to read as follows:

522 **Sec. 9½-54. Eligible Uses of Economic Incentive Funds; ~~Economic Incentive~~**  
523 **Payments.**

524 . . .

525 (g) ~~Local Match for State Tax Refund Program. A local match of up to twenty~~  
526 ~~percent (20%) of the state tax refund provided under the Qualified Target Industry (QTI)~~  
527 ~~Tax Refund Program, subject to the provisions in Section 288.106, Florida Statutes, as~~  
528 ~~amended, and the procedures established pursuant to the Job Growth/Economic~~  
529 ~~Development Incentives Act.~~

530 (1) ~~Payment of Economic Incentive Claims.~~

531 a. ~~Payment of incentives will be made after the company submits a~~  
532 ~~claim each year for the scheduled amount according to the terms of~~  
533 ~~the Job Growth Incentive Agreement. The agreement will specify~~  
534 ~~payment allocations over a period not to exceed the term of the~~  
535 ~~projected job creation and retention commitment. The annual~~  
536 ~~allocations will be paid in equal annual installments unless otherwise~~  
537 ~~negotiated.~~

538 b. ~~The company must agree to submit to an audit of hiring records, and~~  
539 ~~other records determined by the County to be necessary, in carrying~~  
540 ~~out the provisions herein.~~

541 c. ~~A company receiving an economic incentive award shall submit its~~  
542 ~~requests for payments in the form and detail prescribed by the Office~~  
543 ~~and approved by the Broward County Accounting Division.~~

544 d. ~~Payments under the state incentive programs are made by the state~~  
545 ~~of Florida through agencies including Enterprise Florida. Any local~~  
546 ~~match approved by the Board is paid into the state of Florida~~



547 Economic Development Trust Fund. Accordingly, the state will serve  
548 as the appropriate contact for the processing of payments pursuant  
549 to Sections 288.106 and 288.108, Florida Statutes, as amended. The  
550 company must submit a claim each year with the appropriate  
551 documentation to the Florida Department of Economic Opportunity  
552 as required by Sections 288.106 and 288.108, Florida Statutes, as  
553 amended. The County shall not pay any approved local match  
554 directly to the company. Municipalities participating in any local  
555 match must pay, separately, their portion of the local match into the  
556 state of Florida Economic Development Trust Fund. Broward County  
557 shall not be responsible for payment of a municipality's share of local  
558 match as required under any state or federal incentive program.

559 Section 6. Section 9½-55 of the Broward County Code of Ordinances is hereby  
560 amended to read as follows:

561 **Sec. 9½-55. Economic Incentive Programs Application; Program Administration**  
562 **and Approval Process.**

563 (a) The Office shall administer the ~~Job Growth/Economic Development~~  
564 Incentives Programs established pursuant to this Broward County Economic Incentives  
565 Act. Applications ~~should~~ must be submitted to ~~the Greater Fort Lauderdale Alliance~~, or  
566 such other organization designated by the Office ~~to provide application assistance~~. The  
567 ~~Greater Fort Lauderdale Alliance~~, or such other designated organization, shall provide  
568 the applicant with the standard application form approved for use by the Office. An  
569 executive or designee on behalf of the Alliance, ~~After~~ ensuring completeness of the

570 application, ~~The Greater Fort Lauderdale Alliance, or such other organization,~~ shall  
571 forward the completed application to the Office for review and initial approval. If initial  
572 approval is given, the Director may inform the Director of the Finance and Administrative  
573 Services Department and the Director of the Office of Management and Budget of the  
574 recommendation, and shall forward the application to the County Administrator with the  
575 recommendation for final administrative approval. After approval by the County  
576 Administrator, a resolution shall be placed on the Board's agenda seeking approval of the  
577 company's application. Economic incentive awards shall not be made, absent approval  
578 of the Board. If, however, the application has the initial approval of the Director and the  
579 administrative approval of the County Administrator, but the Board is on summer or  
580 year-end break, approval of an economic incentive award may be made by the County  
581 Administrator with written notification to the Board upon its return.

582 (b) A municipality may request to participate in a County participation incentive  
583 program, or request that the County participate in a municipal incentive program, through  
584 the Office or through ~~the Greater Fort Lauderdale Alliance, or such other organization.~~  
585 The terms of an economic incentive award shall be incorporated into an Incentive  
586 aAgreement, prepared and approved as to legal sufficiency by the Office of the County  
587 Attorney, and executed by the company and the County. Every Incentive aAgreement  
588 shall contain the following statement: "This Agreement is not a general obligation of  
589 Broward County. Payments of tax refunds/incentives are conditioned on and subject to  
590 specific annual appropriations by the Board of moneys sufficient to pay the amounts  
591 authorized under Broward County's ~~Job Growth/Economic Development~~ Incentives Act,  
592 Sections 9 $\frac{1}{2}$ -50 through 9 $\frac{1}{2}$ -55, Broward County Code of Ordinances, as amended."

593 . . .

594 Section 7. Severability.

595 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
596 portion will be stricken, and such striking will not affect the validity of the remainder of this  
597 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
598 legally applied to any individual, group, entity, property, or circumstance, such  
599 determination will not affect the applicability of this Ordinance to any other individual,  
600 group, entity, property, or circumstance.

601 Section 8. Inclusion in the Broward County Code of Ordinances.

602 It is the intention of the Board of County Commissioners that the provisions of this  
603 Ordinance become part of the Broward County Code of Ordinances as of the effective  
604 date. The sections of this Ordinance may be renumbered or relettered and the word  
605 "ordinance" may be changed to "section," "article," or such other appropriate word or  
606 phrase to the extent necessary in order to accomplish such intention.

607 Section 9. Effective Date.

608 This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Sandy Steed 05/04/2023  
Sandy Steed (date)  
Assistant County Attorney

By: /s/ René D. Harrod 05/04/2023  
René D. Harrod (date)  
Chief Deputy County Attorney

SS/cv  
Economic Incentives Act Ordinance  
05/04/2023  
#1030767

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.