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ARTICLE LXXXVI. - TARGETED JOBS INCENTIVE FUND PROGRAM

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Sec. 2-1251. - Title.

This article shall be cited as the Targeted Jobs Incentive Fund Program of Miami-Dade County.

(Ord. No. 00-98, § 2, 7-25-00)

Sec. 2-1252. - Definitions.

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

- a. *Average Annual Wage* means the average of all wages and salaries in the State of Florida or Miami-Dade County, using the most currently available data as determined by the Florida Agency for Workforce Innovation.
- b. *Capital Investment* means the amount of money that a business spends on local taxable real and/or tangible personal property, which shall be limited to new construction, renovation of buildings and new equipment used in business operations as specified in the TJIF application/agreement.
- c. *County Code* means the Code of Ordinances of Miami-Dade County.
- d. *Company* means a business, or employing unit, as defined in Section 443.036, Florida Statutes, which is registered with the Florida Agency for Workforce Innovation for unemployed compensation purposes; or a subcategory or subdivision of an employing unit which is accepted by the Agency for Workforce Innovation as a reporting unit.
- e. *Designated Priority Area* or *Designated Priority Areas* means the Empowerment Zone area as designated by the Board of County Commissioners by Resolution No. R-1028-98 as may be amended, Enterprise Zone areas as designated by the Board of County Commissioners by Ordinances Nos. 0-88-27 and 0-96-74 as well as Resolutions No. R-492-95 and No. R-913-08, as may be amended, Targeted Urban Areas designated by the Board of County Commissioners by Ordinance No. 97-33 as may be amended, Brownfields areas as designated by the Board of County Commissioners by Resolution R-767-99 as may be amended, and Community Development Block Grant eligible areas as designated by the Board of County Commissioners by Resolution No. 618-02 as may be amended.
- f. *Expanding Business* or *Expanding Businesses* means a commercial or industrial business, excluding residential development that increases operations on a site in Miami-Dade County co-located with a commercial or industrial operation owned by the same business or a site in Miami-Dade County to which the commercial or industrial operation will relocate or has relocated.
- g. *Incentive* or *Incentives* means the funds paid to a Company under this TJIF Program by the County.
- h. *New Job* or *New Jobs* means jobs created by a local Expanding Business or a New-to-Market Business which are being added to the Company's roster of employees and that did not exist within

the last twelve (12) months prior to the date The Beacon Council submits the Company's application to the County.

- i. *New-to-Market Business* or *New-to-Market Company* is an entity that relocates to Miami-Dade County or is a start-up company setting up operations in Miami-Dade County.
- j. *South Florida* means the region comprised of Miami-Dade, Broward, and Palm Beach counties.
- k. *The Beacon Council* means Miami-Dade County's official economic development partnership entity as designated by the Board of County Commissioners per Ordinance No. 87-38.
- l. *TJIF Project* or *Project* means the capital investment and the associated new jobs that are the basis of the application for a TJIF award.

(Ord. No. 00-98, § 3, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1253. - Eligible applicants.

The TJIF Program will only be available to New-to-Market companies or Expanding Businesses with a minimum Capital Investment of \$3 million in Miami-Dade County. The TJIF Program will not be available to companies that pay any of their employees less than the Living Wage Rate as defined in [Section 2-8.9](#) of the Code of Miami-Dade County, as adjusted annually by the Department of Small Business Development or its successor department. Companies wishing to relocate to Miami-Dade County from Palm Beach, Broward, and Monroe Counties, respectively, are not eligible for the TJIF Program except in cases where said companies are otherwise planning to relocate outside of South Florida. Companies planning to relocate outside of South Florida are eligible for this program and may be solicited by The Beacon Council in an effort to retain the business in South Florida.

(Ord. No. 00-98, § 4, 7-25-00; Ord. No. 05-193, § 1, 11-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1254. - Eligible industries.

The TJIF Program is available to the following industries:

- a. Advanced Manufacturing;
- b. Aviation/Aerospace;
- c. Clean Energy including, but not limited to, Solar Photovoltaic and Solar Thermal Energy, Biofuels, Smart Grid Technologies, Energy Storage, and Ocean Energy;
- d. Financial/Professional Services;
- e. Homeland Security/Defense;
- f. Information Technology;
- g. Life Sciences;
- h. Creative Industries including, but not limited to, Fashion and Lifestyle;
- i. Global Logistics;
- j. Headquarters including regional headquarters (NAICS Code 5511); and
- k. Any industry designated as a "Target industry business" under the State of Florida's Qualified Target Industry ("QTI") program, Section 288.106(1)(o) of the Florida Statutes.

The Board of County Commissioners, at its discretion, may waive the eligible industry requirement at the request and recommendation of The Beacon Council and the County Mayor and County Mayor's designee.

(Ord. No. 00-98, § 5, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 1, 5-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1255. - Program requirements.

Companies applying for TJIF incentives must be New-to-Market Companies or Expanding Businesses. Any company applying for TJIF incentives must pay all of its employees salaries that are no less than the Living Wage Rate as defined by [Section 2-8.9](#) of the Code of Miami-Dade County as adjusted annually by the Miami-Dade County Department of Small Business Development, or its successor department. Companies receiving TJIF incentives must pay all of its employees no less than the Living Wage Rate to remain eligible for the TJIF program. In addition, the New Jobs promised under the TJIF application/agreement must pay an estimated Average Annual Wage at least equal to the average private sector wage of the County or the statewide private sector average wage, in determining the Average Annual Wage, only New Jobs are to be included and wages for existing jobs shall be excluded from the calculation. The Board of County Commissioners at its discretion may waive the Average Annual Wage requirement upon receipt of a written request and justification from the Beacon Council and the County Mayor or the County Mayor's designee.

New-to-Market or Expanding Businesses must create at least ten (10) New Jobs within three (3) years of starting operations or completing their Capital Investment commitment in Miami-Dade County, whichever is later, and maintain those new jobs for an additional three (3) years. County staff, as directed by the County Mayor or

the County Mayor's designee, must verify compliance with New Job creation and wage requirements as specified in the Board of County Commissioners approved TJIF application/agreement prior to any disbursement of a TJIF incentive. The Company must agree to furnish all documents necessary for staff to verify the Company's compliance with the New Job and salary requirements pursuant to the TJIF application/agreement.

The Company's Capital Investment must generate economic growth within Miami-Dade County and strengthen Miami-Dade County's tax base over the period for which the TJIF incentive is provided. The Capital Investment must be verified by County staff, as directed by the County Mayor or the County Mayor's designee, from a review of information available from the Company, the Tax Collector's records or any other sources prior to disbursement of a TJIF incentive award. The Company must furnish an independently audited financial accounting to verify the Capital Investment, when the County so requests, as provided in [Section 2-1259](#).

Where a Company is delinquent in paying its County taxes the County shall withhold Incentive funds until the Company is current on such taxes. Where a Company is more than one (1) year delinquent in paying such taxes, the Company's TJIF award shall be canceled and the Company shall be disqualified from participating in the TJIF program.

(Ord. No. 00-98, § 6, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-193, § 2, 11-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1256. - Application process.

Through September 30, 2020, a company wishing to participate in the TJIF Program will submit an application to The Beacon Council. Upon request, a Company's confidentiality will be protected for any information regarding a project's location and/or expansion evaluation of any site in Florida in accordance with Sections 288.075 and 288.1066 of the Florida Statutes.

The application will be approved by the Board of County Commissioners and all TJIF requirements shall be incorporated therein to ensure all parties comply with the requirements of this Ordinance. An application must be signed by an officer of the applying company.

At the time of application, The Beacon Council will confirm that the Company has provided information and/or documentation supporting the Company's consideration of other locations and that the requested TJIF incentive is required for the Company to choose Miami-Dade County as the location of its new operations or expansion. Any Company decisions committing the Company to a location in the County prior to the Board of County Commissioners approval of the TJIF application/agreement will render a Company ineligible to participate in the TJIF program. The County Mayor or the County Mayor's designee may waive this prior decision rule and forward the Company's application to the Board of County Commissioners for consideration upon the written request by the Company to preserve the inducement for a limited time period and the recommendation of The Beacon Council. However, the Board of County Commissioners retains the sole and absolute discretion to approve or deny the Company's application. This prior business decision rule waiver shall not be available to a Company that has already publicly disclosed the intent to locate or expand its operations in Miami-Dade County. Upon receipt and initial review, The Beacon Council shall contact the County to schedule application presentation to County staff as directed by the County Mayor or the County Mayor's designee. Within 14 days of receipt of the Company's application, The Beacon Council shall prepare its recommendation on the application, including an economic impact analysis utilizing a professionally accepted econometric model such as Department of Commerce, BEA RIMS-II; Minnesota Implan Group, IMPLAN V.3; or REMI, Inc., REMI Model PI+. At the request of The Beacon Council or at the direction of the County Mayor or the County Mayor's designee, the analysis and projections of economic and fiscal impacts may be performed by the Office of Economic Development and International Trade, or its successor department, using a professionally accepted econometric model such as those noted above. Each Board approved application shall serve as the written agreement between Miami-Dade County and the Company, and shall include all application requirements outlined in this Section and, at a minimum, specify:

- a. The total number of New Jobs to be created and that will be dedicated to the project, the Average Annual Wage of those jobs, and a time schedule or plan for when such jobs will be in place and active in Miami-Dade County;
- b. The projected amount of Capital Investment on the project;
- c. The fiscal impact to the County;
- d. The timeframe of when the project will be completed and when the Capital Investment will appear on the County tax roll;
- e. The maximum amount of TJIF awards which the Company is eligible to receive on the project and the maximum amount of TJIF awards that the Company is eligible to receive for each fiscal year;
- f. That Miami-Dade County may review and verify the financial and personnel records of the Company and/or perform on-site visits to verify employment relating to the New Jobs, wages paid, and the

Capital Investment indicated in the TJIF application/agreement, and ascertain whether the Company is in compliance with the terms of the application/agreement;

- g. The date (May 15) by which, in each fiscal year, the Company must file a claim to be considered to receive a TJIF award in the following County fiscal year;
- h. That compliance with the terms and conditions of the approved application/agreement is a condition precedent for the receipt of any TJIF award in a fiscal year and that the Company's failure to comply with the terms and conditions of the approved application/agreement results in the loss of eligibility for receipt of TJIF awards and the revocation by the County Mayor or the County Mayor's designee of the certification of the Company as a TJIF eligible business;
- i. That payment of TJIF incentives are conditioned on and subject to specific annual appropriations by the Board sufficient to pay amounts under the approved application/agreement; and
- j. That the amount of the incentives received will be based on the incentive levels specified in [Section 2-1258](#) of the County Code.

(Ord. No. 00-98, § 7, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1257. - Approval process.

After The Beacon Council provides the application and its recommendation on the application to the County, County staff, when requested by the County Mayor or the County Mayor's designee shall recommend application approval or denial to the County Mayor or the County Mayor's designee. County staff to review the TJIF application shall include, but not be limited to, the County's Office of Economic Development and International Trade, or its successor department, a representative from the Office of Strategic Business Management, or any other staff as determined by the County Mayor or the County Mayor's designee. Applications will be approved by resolution of the Board. The Board shall have no obligation to approve any application before it. Final determination of an approval of the award of TJIF incentives shall be at the sole and absolute discretion of the Board. Upon any Board approval, The Beacon Council shall send the applicant a letter explaining such approval and any attendant conditions, and request the Company's roster of employees. The Beacon Council will provide a copy of said letter and the roster of employees to the County.

(Ord. No. 00-98, § 8, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1258. - TJIF incentives.

The amount of the TJIF award is tentatively ascertained, pending Board approval, during application processing and is based on the commitment of Capital Investment in the TJIF project and the commitment of new job creation as specified in the TJIF application/agreement. The actual TJIF award will be determined after the Company has completed its Capital Investment, hires the number of new jobs as specified in the Board of County Commissioners approved TJIF application/agreement, and all other obligations set forth in the application/agreement and the Resolution approving the TJIF award.

The maximum TJIF award is based on the Project's Capital Investment. For Capital Investment in real property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll may not exceed 1.70 percent of the value of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a. An additional 0.175 percent of the Project's Capital Investment in taxable real property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.
- b. An additional 0.175 [percent] of the Project's Capital Investment in taxable real property if the Project is located within a Designated Priority Area.
- c. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project is located in a "green certified" building under one of the following certification systems:
 - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
 - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

For Capital Investment in tangible personal property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll, may not exceed 1.15 percent of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

- a.

An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.

- b. An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the Project is located within a Designated Priority Area.
- c. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project is located in a "green certified" building under one of the following certification systems:
 - (1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;
 - (2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.
- d. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than \$1.5 million in awards in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than \$5 million in award payments in all fiscal years, or more than \$7.5 million if the project is located in a Designated Priority Area. The Board of County Commissioners, at its discretion, may waive the applicable \$5 million or \$7.5 million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor's designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the Project. While a Company can receive funds under the County's Enterprise Zone Program under [Section 29-81](#), et al. of the County Code, the State of Florida Qualified Target Industry Program and the County's TJIF Program in the same year, the County's total incentive award under all three (3) programs is capped at the maximum TJIF award as specified in [Section 2-1258](#).

(Ord. No. 00-98, § 9, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 2, 5-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1259. - Source, claim period and disbursement of TJIF incentives.

Annual disbursements will be contingent on the verification of the new jobs created, and the Capital Investment made by the Company. Disbursement will begin in the County fiscal year following the Project's Capital Investment appearing on the tax roll. The County's fiscal year runs from October 1 through September 30 of the following calendar year. Companies will be monitored annually to ensure compliance with the projected number of new jobs, the wages associated with the new jobs, and the Capital Investment. Disbursements to the Company will only be made after it has met all commitments as set forth in the TJIF application/agreement and the Board approved TJIF Resolution, and disbursements are limited in each year of the disbursement schedule approved in the TJIF Resolution to amounts set forth in [Section 2-1258](#). No Incentive amounts shall be disbursed after the last fiscal year set forth in the TJIF application/agreement and the Board approved TJIF Resolution.

To be eligible to claim any award under the TJIF Program, a Company that has entered into an approved application/agreement must annually apply to the County by May 15 for such award. An appropriation, if made by the Board, will be paid in the County fiscal year that begins on October 1 following the May 15 claims-submission date. The claim for award must include a copy of all documents that allow the County to verify compliance with all the terms and the Company's commitments set forth in the Board of County Commissioners' Resolution approving the TJIF incentive award and the accompanying approved application/agreement. At the County's request the Company shall provide, at its own expense, an independently audited financial accounting to verify the amount and nature of the Company's Capital Investments in the Project.

The County Mayor or the County Mayor's designee shall designate the Office of Economic Development and International Trade, or its successor department, to administer the TJIF Program and determine Company compliance. Any awards determined to be due to Companies and processed by said designated staff shall require written approval of such staff and funds issuance authority by the Office of Strategic Business Management, or its successor department, and the County Mayor or the County Mayor's designee.

An adjustment in the taxable value of the Project's Capital Investment subsequent to the submission of an application and disbursement of a TJIF award may reduce the Company's allowable incentive below the amount specified in the Board of County Commissioners approved TJIF application/agreement. When such an event occurs, the Company will reimburse the County any difference between the amount of TJIF Incentive disbursed and the allowable TJIF award based on the adjusted taxable value.

(Ord. No. 00-98, § 10, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1260. - Reserved. *Editor's note—*

Section 1 of Ord. No. 11-08, adopted Feb. 1, 2011, deleted [§ 2-1260](#), which contained sunset provisions, and derived from Ord. No. 00-98, adopted July 25, 2000.

Secs. 2-1261—2-1270. - Reserved. 