

ORDINANCE NO. 2013-____

AN ORDINANCE OF POLK COUNTY, FLORIDA, ESTABLISHING AN EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR _____ A [NEW BUSINESS] [EXPANSION OF AN EXISTING BUSINESS]; PROVIDING FINDINGS OF FACT; PROVIDING A TITLE; PROVIDING THE TOTAL AMOUNT OF REVENUE AVAILABLE TO THE COUNTY FROM AD VALOREM TAX SOURCES FOR THE CURRENT FISCAL YEAR, THE TOTAL AMOUNT OF REVENUE LOST TO THE COUNTY FOR THE CURRENT FISCAL YEAR BY VIRTUE OF ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS CURRENTLY IN EFFECT, AND THE ESTIMATED REVENUE LOSS TO THE COUNTY FOR THE CURRENT FISCAL YEAR ATTRIBUTABLE TO THE EXEMPTION FOR _____; PROVIDING FOR THE GRANT OF AN EXEMPTION FOR ____ YEARS AT _____ PERCENT; PROVIDING FOR A FINDING THAT _____ MEETS THE REQUIREMENTS OF FLORIDA STATUTES, [SECTION 196.012 (15) (NEW BUSINESS)] [SECTION 196.012 (16) (EXPANDING BUSINESS)]; PROVIDING FOR CONTINUING PERFORMANCE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REVIEW; PROVIDING FOR EXPIRATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

ARTICLE I: FINDINGS OF FACT

1. Article VII, Section 3, of the Florida Constitution and Florida Statutes, Section 196.1995 authorize Polk County (the "County") to grant Economic Development Ad Valorem Tax Exemptions to New Businesses and Expansions of Existing Businesses, as defined in Florida Statutes, Section 196.012(15) and (16), subject to voter approval. On November 6, 2012 electors in Polk County approved a referendum authorizing such exemptions and on May 7, 2013 the Board of County Commissioners ("Board") adopted a master ordinance, Ordinance 2013-____ (the "Ordinance") authorizing the granting of such exemptions.
2. The Ordinance sets forth the guidelines, process and procedures for implementing the Economic Development Ad Valorem Tax Exemption program.

3. Pursuant to the Ordinance _____ submitted an application to the County requesting an ad valorem tax exemption for ____% of the assessed value of qualifying improvements to real property and qualifying tangible personal property specified in its application for a period of ____ years commencing with Tax Year _____ (the “_____ Application”). The _____ Application is incorporated herein by reference and a copy of said Application shall be retained by the Program Administrator for at least the duration of the Exemption Period.

4. In its application, _____ stated the following:

a. The name and address of the [new] [expanding] business is _____.

b. The business will create a total of _____ new jobs by _____, comprised of ____ new full-time jobs with an average wage of _____ % of the average County wage.

c. Through _____ it will invest approximately \$_____ in the [creation] [expansion] of its Polk County facility, including the purchase of new equipment.

d. It produces _____.

e. It is committed to local procurement and it plans to _____ in support of local procurement.

f. It is committed to environmental sustainability through [recycling] [waste reduction] [energy conservation] [or other means].

g. Pursuant to the Ordinance and Florida Statutes, Section 196.1995 the Polk County Property Appraiser completed its review of the _____ application and submitted its report to the County, dated _____. The Property Appraiser’s report, which is attached hereto and made a part hereof as Exhibit “A”, included the following:

i. The total revenue available to the County for the current fiscal year from ad valorem tax sources is \$_____.

ii. The total revenue lost to the County for the current fiscal year by virtue of exemptions previously granted under this section is \$_____.

iii. The estimate of the revenue which would be lost to the County

during the current fiscal year if the exemption applied for were granted is \$_____.

iv. The estimate of the taxable value lost to the County if the exemption applied for was granted is \$_____ for improvements to real property and \$_____ for tangible personal property.

v. A determination that the property listed in the _____ Application meets the definition of a [New Business as defined in Florida Statutes, Section 196.012(15)] [Expansion of an Existing Business as defined in Florida Statutes, Section 196.012(16)]

5. The _____ Application meets all statutory and Ordinance requirements.

ARTICLE II: TITLE

This Ordinance shall be known as County Ordinance 2013-_____, the “Economic Development Ad Valorem Tax Exemption for _____”.

ARTICLE III: GRANT OF EXEMPTION

1. After consideration of the _____ Application, which is incorporated herein by reference, and the Property Appraiser’s Report, attached hereto as Exhibit “A”, the BoCC finds that _____ qualifies as [a New Business] [an Expansion of an Existing Business] and that granting an Economic Development Ad Valorem Tax Exemption to _____ to encourage its [creation of a New Business] [expansion of an existing business] will promote economic sustainability within the County through the creation of jobs and utilization of local resources. The Board hereby grants to _____ and establishes on behalf of _____ an Economic Development Ad Valorem Tax Exemption of _____% of the assessed value of the net increase in qualifying improvements to real property and qualifying tangible personal property as set forth in the _____ Application, acquired by _____ after the adoption of this Ordinance to facilitate the [creation of a New Business] [expansion of an Existing Business] (the “_____ Exemption”).

2. The _____ Exemption shall be for a period of ____ tax years (the “Exemption Period”) commencing with Tax Year ____ through Tax Year _____. The _____ Exemption is conditioned upon _____ entering into an “Ad Valorem

Tax Exemption Business Maintenance and Continued Performance Agreement (the “Performance Agreement”) with the County stating that it shall remain in compliance with the Ordinance throughout the Exemption Period as well as with the terms of the Performance Agreement. Should _____ fail to comply with the terms or the Ordinance or the Performance Agreement the Board may, in its discretion, revoke the exemption and recover any taxes exempted during the Exemption Period pursuant to the procedures set out in the Ordinance.

3. _____ agrees to abide by the terms and conditions set forth in the Ordinance, as amended from time to time, as well as the guidelines, policies and procedures enacted by the Board from time to time related to the Economic Development Ad Valorem Tax Exemption program. Failure to do so may result in revocation of the _____ Exemption and the County’s recovery of any taxes exempted during the Exemption Period.

ARTICLE IV: APPLICABILITY

The County ad valorem tax exemption granted herein applies only to countywide ad valorem taxes levied by Polk County on the qualifying improvements to real property and qualifying tangible property specified in the _____ Application. The exemption does not apply to taxes levied by a municipality, school district, MSTU’s, water management district or other special taxing district or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 (b) or 12, Article VII of the Florida Constitution. No exemption shall be granted on the land on which improvements are made by _____.

ARTICLE V: REVIEW

The decision of the Board, in its sole discretion, to not grant an exemption shall not be reviewable by the Value Adjustment Board pursuant to Chapter 194, Florida Statutes.

ARTICLE VI: EXPIRATION DATE

The exemption granted herein shall automatically expire on _____ and shall no longer be in force and effect thereafter.

ARTICLE VII: EFFECTIVE DATE

A certified copy of this Ordinance shall be filed with the Department of State

within ten (10) days after enactment, and this Ordinance shall take effect immediately upon such filing. The exemption granted herein shall take effect commencing with Tax Year _____.

ARTICLE VIII: SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications. To this end, the provisions of this Ordinance are declared severable.