

AN ORDINANCE OF THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS SUPERSEDING AND REPEALING ORDINANCE NOS 95-01 AND 96-05 AND 07-21 RELATING TO ECONOMIC DEVELOPMENT INCENTIVES WITH THE NEW "PASCO COUNTY TARGET BUSINESS JOB CREATION INCENTIVE ORDINANCE", PROVIDING FOR REPEALER, SEVERABILITY, APPLICABILITY, INCLUSION INTO THE PASCO COUNTY CODE OF ORDINANCES, AND FOR AN EFFECTIVE DATE

WHEREAS, on January 18, 1995, the Pasco County Board of County Commissioners adopted Ordinance No 95-01 to provide for an economic development incentive credit for certain qualified businesses within Pasco County, and

WHEREAS, on February 20, 1996, the Pasco County Board of County Commissioners adopted Ordinance No 96-05 amending Ordinance No 95-01 to allow for an economic development incentive credit for certain businesses meeting specific criteria which was previously excluded in Ordinance No 95-01, and

WHEREAS, on September 25, 2007, the Board adopted a revised Economic Development Incentive Ordinance to facilitate the attraction of targeted businesses to locate in Pasco County, and

WHEREAS, the Pasco County Board of County Commissioners and the Pasco County Economic Development Council (PEDC) believe an incentive tied to the number of actual jobs created will serve to attract target industries and create more certainty than the existing ordinance, and

WHEREAS, the Pasco County Board of County Commissioners desires to supersede and replace Ordinance No 07-21 with a new "Pasco County Target Industry Job Creation Incentive Ordinance "

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows

SECTION 1 SHORT TITLE

This Ordinance shall be known as and may be cited as the "Pasco County Target Industry Job Creation Incentive Ordinance "

SECTION 2 FINDING OF FACTS AND PURPOSE

1 It is the intent of the Pasco County Board of County Commissioners to establish and further a sound business and industrial workforce in Pasco County and diversify the tax base to benefit all residents in Pasco County This is accomplished by attracting targeted industries or businesses to locate within the County and through expansion of certain existing

target industries or businesses This is further accomplished by attracting those industries or businesses that pay greater than the annual average wage to locate or expand in the County

2 It is the intent and purpose of this article to provide the authority and mechanisms within the parameters of judicial, federal, state and local laws for such promotions and to allow the expenditure of public funds for such purposes

SECTION 3 DEFINITIONS

As used in this Ordinance

Annual Average Wage means the annual average wage paid to workers in Pasco County as published by Enterprise Florida, Inc and compiled by the State of Florida, Agency for Workforce Innovation, Labor Market Statistics, for the most current year published

Employee means those individuals working for the target business in positions that are covered under and included on Florida Department of Revenue, Employer's Quarterly Report Form UCT-6

Job Creation Incentive the monetary award based on the percentage of the Pasco County average annual wage paid for new jobs created in Pasco County for Target Businesses

Operation means the target business is open and conducting business at a Pasco County location

Pasco Economic Development Council is a not for profit corporation within Pasco County responsible for promoting and furthering business and economic development within the County including, without limitation, engaging in marketing, advertising, promotional and other efforts to attract new businesses and industries to locate within the County, and further engaging in such efforts to encourage existing business and industries located within the county to expand, and further engaging in such efforts to improve the County's industrial and business property tax base, and further engaging in such efforts which further the creation of new jobs within the County which pay greater than the Annual Average Wage for Pasco County

Primary Target Industry (PTI) are those new or existing businesses or industries that sell at least 51% of their product or services outside of Pasco County (and specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation), and will pay at least the Annual Average Wage for Pasco County and which have been certified as a PTI by the staff of the Pasco Economic Development Council In determining whether a business or industry initially qualifies as a PTI, staff of the Pasco Economic Development Council shall be guided by whether said business or industry is listed in

the list of target industries prepared by Enterprise Florida, Inc in connection with the QTI program

Promotion means to encourage the existence or progress of industrial, office, research and development, life-sciences and other business development within Pasco County, Florida

Qualified Target Industry (QTI), as defined by the State, are those businesses or industries serving multi-state and/or international markets (and specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation) and that are able to create new jobs at greater than the Annual Average Wage for Pasco County and which have been further approved by the state as a QTI pursuant to section 288 106, Florida Statutes

Target Businesses are those industries or businesses that meet the definition of Qualified Target Industry or Primary Target Industry or both

SECTION 4 GENERAL AUTHORITY

The Pasco County Board of County Commissioners may budget funds and the County Administrator, or his designee, may expend funds which are budgeted for business or industry promotion purposes pursuant to the provisions of Chapter 125 and 129, Florida Statutes

SECTION 5 INCENTIVES FOR TARGETED BUSINESSES WITHIN THE COUNTY

1 Incentives Relating to Job Creation

A Target Businesses, which through new construction, relocation of a business into Pasco County or expansion of existing Pasco County based business create at least ten (10) new full-time jobs in the first year of operation within the county after the execution of an Economic Incentive Agreement, and which pay an average annual wage for all Pasco-based employees of the company that are included in the Company's application for the Economic Incentive Agreement equal to or greater than 115% of the Pasco County average annual wage, will be eligible to apply for a Job Creation Incentive of \$2,000 per new full-time job created For companies paying average wages above the 115% level, the following schedule will apply

- 125% of the annual average wage, \$3,000 per job created
- 150% of the annual average wage, \$4,000 per job created
- 200% of the annual average wage, \$5,000 per job created

The Target Business will be eligible to receive up to the total qualifying incentive award as determined in Section 5 1 A for new jobs created The Job Creation Incentive will be prorated in equal amounts for the number of jobs created during each year of the agreement At no time shall the incentive exceed the amount specified in the Agreement The requirements and

payout schedule will be specified in an Economic Incentive Agreement between the Target Business and the County. Target Businesses are encouraged to employ Pasco County residents.

B. Upon the County Administrator or his designee determining the amount of the incentive the Target Business is eligible for, the County and the Target Business shall negotiate an Economic Incentive Agreement detailing the obligations of the Target Business for the receipt of the incentive award.

C. If at anytime during the Agreement period the number of jobs or wages the Target Business has projected falls below ten jobs, at 115% of the Pasco County average annual wage, the business shall be deemed in default of its obligations and any entitlement to the incentive award shall cease. Should the target business not meet the number of jobs or wages it has projected, but maintains the minimum number of employees required for the incentive, its incentive award will be adjusted for subsequent years to reflect what the business has actually created up to the incentive award amount originally specified in the Economic Incentive Agreement.

D. In the event the Target Business closes its business, moves out of the County, or loses its status as a Target Business at any time during the Agreement period, the Target Business will be required to reimburse to the County all award installments paid plus interest at the rate of prime plus one at the time of default from the date of the disbursement.

2. *Eligibility for Expedited Plan Amendments, Zoning, Plan Review and Permitting* Target Businesses that qualify under this Ordinance shall receive expedited plan amendments, zonings, plan review and permitting by the applicable county departments. The County shall designate a liaison to the PEDC and the Target Business to ensure compliance with this Article.

3. *Incentives Non-Exclusive* The incentives in this section are not exclusive and eligible Target Businesses may apply for as many incentives as they qualify for in this Section or other provisions of the Code, or as otherwise approved by the Pasco County Board of County Commissioners. Further, the incentives in this Section do not preclude an industry or business from applying or qualifying for or participating in other federal, state or local programs.

4. *Coordination of Benefits* In the event an eligible Target Business is approved for a job creation incentive from the State of Florida, with which the County has a financial participation, any award under this Ordinance will be reduced by the County's participating amount in that program.

SECTION 6 APPLICATION FOR ECONOMIC DEVELOPMENT INCENTIVES

1 Applications to the process are required and the application will consist of, but not be limited to, the following for Pasco County operation to be incented

- a Company profile and background (type of business by NAICS Code),
- b Function of the operation,
- c Location of the operation,
- d Total acreage of site,
- e Approximate size, square footage (enclosed under-roof building structure),
- f Pasco County Employment (current and projected new),
- g Total number, average wages, and titles of full-time employees,
- h Estimated Pasco County utilities usage,
- i Disclosure of environmental impacts

2 Applications will be submitted through the staff of PEDC. In order to be eligible for any incentives pursuant to this ordinance, application must be received by the staff of PEDC prior to the submission of development application to the County, the purchase of an existing building or execution of a lease for a facility

3 After the PEDC staff receives a complete application, they will have thirty (30) days to prepare an incentive analysis. The PEDC staff will coordinate with the County Administrator, or his designee, to perform an economic analysis and cost benefit analysis or other acceptable analysis techniques and comprehensive plan compliance review

4 The incentive analysis will consist of the completed Incentive Application signed by an officer of the Company requesting consideration under the ordinance and certifying the information contained within the application, an economic impact analysis or cost benefit analysis and calculation of the incentive award based on the application

5 The County Administrator or his designee will review and negotiate the terms of the Economic Incentive Agreement with the Company

6 An Agreement, acceptable to the County Attorney, will be prepared and provided to the company. Upon execution by the Company, the Agreement will be presented to the Pasco County Board of County Commissioners for a decision on the approval of the Economic Incentive Agreement with the Company

SECTION 7 PAYMENT OF JOB CREATION INCENTIVE

The Economic Incentive Agreement shall specify how many jobs are to be created at what salary. The Company will receive a Job Creation Incentive for each job created and maintained as specified in the Economic Incentive Agreement through the calendar year. By no later than February 15th of each calendar year, the Company shall provide the County with a

copy of the W-2 for each incented job and copies of all four quarterly state unemployment tax reports, Form UCT-6 The Company shall identify the positions which are incented that become vacant during the calendar year The Company shall identify the positions which are incented that become vacant during the calendar year, along with the date vacated and the date refilled Should the position remain vacant for less than three months, the Company will still be incented for the job created

SECTION 8 REPEALER

All provisions of the Code of Ordinances of Pasco County, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict Specifically, this ordinance supersedes and replaces ordinance nos 95-01 and 96-05 and amends Chapter 22, Article II, of the Pasco County Code of Ordinances Ordinance 07-21 shall remain in effect for businesses which have pulled a building permit prior to the effective date of this ordinance until September 30, 2010, which at that point shall no longer be of force and effect

SECTION 9 SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding

SECTION 10 APPLICABILITY

This Ordinance shall apply to eligible Target Businesses for which a building permit has not been issued Until September 30, 2010, businesses which have been issued a building permit may apply under Ordinance No 07-21 or this ordinance at their election

SECTION 11 INCLUSION INTO THE CODE

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Code of Ordinances at Chapter 22, Article II, and that the sections of this ordinance may be renumbered or re-lettered

SECTION 12 EFFECTIVE DATE


A certified copy of this ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this ordinance, and this ordinance shall take effect upon filing with the Department of State


ADOPTED this 25th day of May, 2010

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BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA




PAULA S. O'NEIL
CLERK AND COMPTROLLER



PAT MULIERI, Ed D
CHAIRMAN

APPROVED

MAY 25 2010

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