RESOLUTION R-19-073

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING ECONOMIC DEVELOPMENT; IMPLEMENTING THE COUNTY'S ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION ORDINANCE; PROVIDING FINDINGS; ADOPTING AMENDED AND RESTATED POLICY GUIDELINES; APPROVING AMENDED AND RESTATED FORMS; PROVIDING FOR THE REPEAL OF PRIOR RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 196.1995, *Florida Statutes*, and Section 3, Article VII of the Florida Constitution (collectively and as amended, the "Act"), provide that the Board of County Commissioners (the "Board") may call a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses in Manatee County; and

WHEREAS, the Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act; and

WHEREAS, the Board has adopted Article XIV of Chapter 2-29 of the Manatee County Code of Ordinances, commonly referred to as the Economic Development Ad Valorem Tax Exemption Ordinance (hereinafter, the "Ordinance"), establishing an application process for economic development ad valorem tax exemptions for new businesses and expansions of existing businesses; and

WHEREAS, the Ordinance provides that the Board will adopt Manatee County Economic Development Policy Guidelines, and establish the forms of applications for exemptions, reports of the Property Appraiser, ordinances granting exemptions, performance agreements and annual reports, and the Board adopted such Policy Guidelines and forms pursuant to No. Resolution R-14-084; and

WHEREAS, the it is in the best interests of the public health, safety and welfare and will create employment opportunities that will benefit the entire community, for the Board to adopt this Resolution adopting amended and restated policies and establishing amended and restated such forms in order to implement the Ordinance, as recently amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:

SECTION 1. FINDINGS. The Board hereby finds that the recitals set forth above are true and correct.

SECTION 2. ADOPTION OF POLICY GUIDELINES. For the purpose of implementing the Ordinance, the Board hereby adopts the Manatee County Economic Development Policy Guidelines set forth as Exhibit "A" to this Resolution.

SECTION 3. ESTABLISHMENT OF FORMS. For the purpose of implementing the Ordinance, the Board hereby establishes the following forms:

I. The form Application set forth as Exhibit "B" to this Resolution;
II. The form Report of the Property Appraiser set forth as Exhibit "C" to this Resolution;
III. The form Exemption Ordinance set forth as Exhibit "D" to this Resolution;
IV. The form Performance Agreement set forth as Exhibit "E" to this Resolution; and
V. The form Annual Report set forth as Exhibit "F" to this Resolution.

The use, consideration and approval of such forms shall be governed by and carried out in accordance with the Ordinance and the Act.

SECTION 4. REPEAL OF RESOLUTION NO. R-14-084. Resolution No. R-14-084, including the policy guidelines and forms adopted and established pursuant thereto, is hereby repealed and of no further force and effect.

SECTION 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED WITH A QUORUM PRESENT AND VOTING THIS THE __ DAY OF _____, 2019.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

Exhibit "A"
Manatee County Economic Development Policy Guidelines

I. Pursuant to FS 196.1995(10) and Section 2-29-157(3) of the Manatee County Code, the Board shall consider the factors set forth therein when making its determination as to whether to grant an ad valorem tax exemption to a business applicant, and, if so, the percentage and duration of the exemption. The following factors shall also be included as Manatee County Economic Development Policy Guidelines as described in Section 2-29-157(3) of the Manatee County Code:

a. Innovative business;
b. Commitment to local procurement;
c. Net positive contribution to the local economy.

The Board may waive the consideration of any of the above Policy Guidelines (items a.-d.) for good cause shown.

II. In making its determination, the following analysis shall be used by the Board to quantify the factors related to number of jobs created, the average wage paid to new employees and the amount of capital investment:

a. Number of new full-time Manatee County positions created by the Business as the result of relocating or expanding in Manatee County:

1. Under 10 employees – below average score;
2. 10– 40 employees – average score;
3. 41-75 employees – above average score;
4. over 75 employees – excellent score;

b. Average Wage of the new Employees of the Business located in the County;

- For purposes of this Resolution, average wage shall be measured against the current average annual wage of the State at the time of application/request submittal.

- It is intended that the average wage of management staff be considered independent of non-management staff.

1. Average wage under State annual average – below average score;
2. Average wage between State annual average and up to 150% of State annual average – average score;
3. Average wage between 150% of State annual average and up to 200% of State annual average – above average score;
4. Average wage over 200% of State annual average – excellent score;

c. Amount of Capital Investment;

1. Capital investment under $5 million – below average score;
2. Capital investment between $5 million and $10 million – average score;
3. Capital investment between $10 million and $15 million – above average score;
4. Capital investment over $15 million – excellent score.

III. The Economic Development Policy Guideline Worksheet shall be used as a means to score the factors set forth in Section 2-29-157(3) of the Code:

Enter an "x" in the scoring boxes (only one per row) 1 2 3 4 Score:	Score: Below Avg. 1	Score: Average 2	Score: Above Avg. 3	Score: Excellent 4	Score:
1. Number of current and projected employees					
2. Average Wage of Employees					
3. Amount of capital investment					
4. Innovative Business					
5. Commitment to local procurement					
6. Net positive contribution to local economy					

Tax exemption score percentage:_____

EXHIBIT "B"

ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION APPLICATION

FOR USE BY APPLICANTS APPLYING IN MANATEE COUNTY, FLORIDA

OFFICIAL USE ONLY

Application #_____ Date Received:_____20_____

ECONOMIC DEVELOPMENT AD VALOREM PROPERTY TAX EXEMPTION

Chapter 196.1995, Florida Statutes

NOTICE: Application is to be filed with Manatee County Government no later than February 1 of the year the exemption is desired to take effect.

An applicant applying for an exemption on Tangible Personal Property must fill out and submit the **Florida Department of Revenue Form DR-405 (Tangible Personal Property Tax Return)**. Refer to Item 12 below.

SECTION 1 – BUSINESS NAME AND MAILING ADDRESS

Name of Business:_____

Type of Business: ☐ Sole Proprietorship ☐ Partnership ☐ Corporation
☐ Other (Explain):_____

Current Business MailingAddress: _____
_____

Phone:_____
E-Mail:_____

SECTION 2 – PROPERTY OWNER

Full Legal Name of the
Owner of this Business:_____

Title:_____

Phone:_____ Fax #:_____

Email Address:_____

SECTION 3 – CONTACT PERSON

Contact Person for this Application: _____

Title:_____

Phone:_____ Fax #:_____

Email Address:_____

SECTION 4 – EXACT LOCATION OF BUSINESS FOR WHICH EXEMPTION IS SOUGHT

Legal Description of property for which this application is filed:_____

_____

Property Parcel identification Number(s):_____

Tangible Personal Property Identification Number(s):_____

Street Address of this property: _____

_____

SECTION 5 – COMMENCEMENT OF OPERATIONS

(Date you began, or will begin, business activities at this facility:

_____

SECTION 6 – NEW OR EXPANSION OF EXISTING BUSINESS

Do you desire exemption as ☐ New Business ☐ Expansion of existing Business

If expansion, explain purpose of expansion:_____

SECTION 7 – REAL AND/OR TANGIBLE PERSONAL PROPERTY

Do you desire an exemption for:

Real Property?	☐ Yes	☐ No	Estimated Value: $_____
Tangible Personal Property?	☐ Yes	☐ No	Estimated Value: $_____

SECTION 8 – TYPE OF BUSINESS

Describe the type or nature of your business:

SECTION 9 – ELIGIBILITY

Check as many as apply below. Identify industry cluster (if applicable): Include NAICS code:

Note: see Guidelines for Economic Development Ad Valorem Tax Exemption for definitions.

☐ Manufacturing: (Definition 1a) ☐ Targeted Industry: (Definition 1b) ☐ Professional: (Definition 2) ☐ Office: (Definition3)

☐ Other(explain):_____

SECTION 10 – LENGTH & AMOUNT OF EXEMPTION

Note: Applicant may request the exemption for up to 10 years and up to 100% of the assessed value of all qualifying improvements to real property and of all qualifying tangible personal property – no exemption shall be granted for land. Length and amount of exemption approved is at the sole discretion of the Manatee County Government.

Total number of years that applicant requests exemption:_____year(s)

Total amount of exemption that applicant requests: _____%

SECTION 11 – REAL PROPERTY

Description of improvements to real property for which exemption is requested:_____

Anticipated date of commencement of construction of improvements:_____

Note: Improvements to real property must be made on or after the day the ordinance granting the exemption is adopted.

Anticipated date of Completion:_____

SECTION 12 – TANGIBLE PERSONAL PROPERTY

Provide a description of tangible personal property for which an exemption is requested and date when property is to be purchased.

Note: Tangible personal property must be added or increased on or after the day the ordinance granting the exemption is adopted.

									Appraiser's USE Only	
Description of Item	*Age*	*Date of Purchase*	*Installation Date*	*Original Installed Cost*	*Good*	*Avg*	*Poor*	*Taxpayer's Estimate of Fair Market Value*	Condition	

Any additional personal property not listed above for which an exemption is claimed must be provided on form DR-405 "Tangible Personal Property Tax Return" and a copy attached to this form.

SECTION 13 – NEW JOBS

The applicant must enclose current payroll roster as of January 1st of the year the exemption is being sought. Provide hire dates and job titles; omit employee names and social security number of employees.

New Business:

Total number of full-time jobs as of January 1st:_____

Total number of jobs to be created and maintained for first five years after exemption is granted: _____
Please distinguish jobs by categories: Full-time management/full-time non-management/seasonal

List Number of Full-Time Management Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____
List Number of Full-Time Non-Management Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____
List Number of Seasonal Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____

Expansion of existing Business

Total number of full-time jobs prior to expansion:_____

Total number of jobs to be created and maintained for first five years after exemption is granted: _____
Please distinguish jobs by categories: Full-time management/full-time non-management/seasonal

List Number of Full-Time Management Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____
List Number of Full-Time Non-Management Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____
List Number of Seasonal Jobs	Year One -	20___	Jobs:_____
	Year Two -	20___	Jobs:_____
	Year Three -	20___	Jobs:_____
	Year Four -	20___	Jobs:_____
	Year Five -	20___	Jobs:_____

Job Creation Timeframe: Anticipated date by which all new full-time jobs will be filled:_____
Reside: Estimated percentage of total employees who will reside in Manatee County:_____

SECTION 14 – WAGES

Please provide the average annual wage of all non-management employees currently working at your facility:

Current full-time employees: _____
New full-time employees: _____
New seasonal jobs: _____

Please provide the average annual wage of all management employees currently working at your facility:

Current full-time employees: _____
New full-time employees: _____
New seasonal jobs: _____

SECTION 15 – SALES FACTOR/CURRENT SALES

Please include sales factor if claiming eligibility under FS 196.012(14)(2). Current sales factor for facility requesting exemption (total sales shall mean those sales that are processed and shipped through the Facility's door located in Manatee County):

MANATEE COUNTY

Total sales inside the State: $_____
Total sales everywhere else: $_____
TOTAL SALES: $_____

SECTION 16 – COUNTY OFFICE SPACE

For use by corporation newly located in Manatee County

The date of location in Manatee County:_____

SECTION 17 – OTHER BOARD CONSIDERATION FOR EXEMPTION DETERMINATION

(Please use additional sheet of paper if needed to fully answer questions below)

List any products or services that are critical to your business that are not available locally or regionally:

Please provide policy related to your company's commitment to local hiring.

What specific recruitment and training needs will be required to staff your company.

Describe innovative business practices.

Are there plans for new products / services involving the facility in Manatee County, please describe.

Environmental Impact: (*Please describe any sustainable / environmentally friendly policies or practices your company has adopted).*

Who do you anticipate to be your strongest local competitors?

National/State recognition: *(Please list any awards and/or acknowledgements your business has received, or recognized articles that reference your business.)*

Please include any such other information that can be demonstrated in a satisfactory fashion to the governing body to promote economic development within Manatee County.

SECTION 18 – INCENTIVE

Relocation or expansion would occur without the exemption: ☐ Yes ☐ No
If no, please explain why:_____

BUSINESS MAINTENANCE AND CONTINUING PERFORMANCE:

EVIDENCE OF SATISFACTION OF INFORMATION PROVIDES IN SECTION 5, 11-17 OF THIS APPLICATION MUST BE PROVIDED IN THE ANNUAL REPORT TO MAINTAIN THE AD VALOREM TAX EXEMPTION.

DATE OF APPLICATION:
I hereby request the adoption of an ordinance granting an economic development ad valorem tax exemption on the above property. In addition to the information included herein (including attachments, if any), I agree to furnish such other information as Manatee County Government or Manatee County Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief, including any attached statements, schedules, etc. (If prepared by someone other than the owner, the owner's declaration is based on all information of which he/she has any knowledge.)

Owner Name and Title:_____

Signature:_____

Type or Print Name:_____Date:_____

PREPARER/AUTHORIZED AGENT:

Name/Address:_____

Telephone:_____Email:_____

Signature:_____

Type or Print Name:_____Date:_____

State of Florida
County of Manatee

On this, the____ day of_____, 20_, before me a notary public, the undersigned officer, personally appeared_____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

In witness hereof, I hereunto set my hand and official seal.

_____ (Stamp/Seal)
Notary Public

Exhibit "C"
Form Report of the Property Appraiser

PROPERTY APPRAISER'S USE ONLY

Total revenue available to the County for the current fiscal year from ad valorem tax sources: $_____

Revenue lost to the County for the current fiscal year by virtue of exemptions previously granted under this section: $_____

Estimate of the revenue which would be lost to the County during the current fiscal year if the exemption applied for were granted and the property for which the exemption is requested would otherwise have been subject to taxation: $_____

Estimate of the taxable value lost to the County if the exemption applied for was granted: $_____

Improvements to real property: $_____ Personal Property: $_____

I have determined that the property listed above meets the definition, as defined by Section 196.012(14) or (15), Florid Statutes, as a:

New Business Expansion of an Existing Business Neither

Last year for which exemption may be applied: ___

Signature, Property Appraiser: _____ Date:_____

ORDINANCE NO.-__-__

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING ECONOMIC DEVELOPMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING ARTICLE XVI OF CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF ORDINANCES TO ESTABLISH A NEW SECTION 2-29-173 GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO (NAME OF COMPANY) IN ACCORDANCE WITH APPLICABLE LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 196.1995, *Florida Statutes,* and Section 3, Article VII of the Florida Constitution (collectively, the "Act"), provide that the Board of County Commissioners (the "Board") may call a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses in Manatee County; and

WHEREAS, the Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act; and

WHEREAS, the Board has adopted Article XV of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code"), establishing an application process for economic development ad valorem tax exemptions for new businesses and expansions of existing businesses; and

WHEREAS, (Name of Company) has submitted an application in accordance with Article XV of Chapter 2-29 of the Code, and the Board has determined that granting an economic development ad valorem tax exemption to (Name of Company) is in the best interests of the public health, safety and welfare and will create employment opportunities that will benefit the entire community.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, the Act.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

A. The recitals set forth above are true and correct;

B. Article XIV of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code") sets forth the process and procedures for implementing the economic development ad valorem tax exemption program.

C. Pursuant to Section 2-29-166 of the Code, (Name of Company) submitted an application to the County requesting an ad valorem tax exemption for up to 100 percent of the assessed value of the qualifying improvements to real property and qualifying tangible personal property specified in its application for a period of eight years, commencing with Tax Year ____, (Name of Company) Application. The (Name of Company) Application is incorporated herein by reference, and a copy of said Application shall be retained by the Manatee County Redevelopment and Economic Opportunity Department for at least the duration of the exemption period.

D. In its application, (Name of Company) stated the following:

1. **Name of business:**

   Location:

   Business owner:

2. It will create a total of __ new jobs by (Date), comprised of__ new full-time jobs with an average wage of $_____for all non-management jobs and an average wage of $_____for all management jobs and _ new seasonal jobs;

3. Through (Date) it will invest approximately $_____ in the creation / expansion of its Manatee County facility, including the purchase of new equipment;

4. Insert innovation statement;

5. Insert local procurement statement;

6. Insert environmental sustainability statement;

7. If applicable the sales projected to be processed and shipped from the Manatee County facility is estimated to be $_____ inside the State and $_____ everywhere else; and

8. All other information required pursuant to the Act.

E. Pursuant to Section 2-29-167(1) of the Code, the Property Appraiser completed its review of the (Name of Company) Application and submitted its report to the County, dated _____. The Property Appraiser report included the following information:

1. Total revenue available to the County for the current fiscal year from ad valorem tax sources: $_____.

2. Revenue lost to the County for the current fiscal year by virtue of exemptions previously granted under this section: $_____.

3. Estimate of the revenue which would be lost to the County during the current fiscal year if the exemption were granted, assuming that the subject property would otherwise have been subject to taxation: $_____.

4. Estimate of the taxable value lost to the County if the exemption were granted: Improvements to real property: $_____; personal property: $_____.

5. A determination that the property listed in the (Name of Company) Application met the definition of creation of a "new business" as defined in Section 196.012(14), Florida Statutes / "expansion of an existing business", as defined in Section 196.012(15), Florida Statutes.

F. The (Name of Company) Application meets all statutory and ordinance requirements.

G. Pursuant to 2-29-167(4) of the Code, the Board has reviewed the (Name of Company) Application, has applied the Manatee County Economic Development Policy Guidelines, and hereby determines that:

1. currently employs __ full-time employees at its Manatee County facility and represents that it will create a total of __ new jobs by (Date), comprised of __ new full-time jobs with an average wage of $_____ for all non-management employees and an average wage of $_____ for all management employees, and __ new seasonal jobs.

2. (Name of Company) represents that it will invest $_____ in the expansion of its Manatee County facility, including the purchase of new equipment;

3. (Name of Company) is an innovative business with an aggressive marketing plan to expand its presence throughout the country;

4. The creation / expansion of its Manatee County facility, including the purchase of new equipment, by (Name of Company) will not result in any adverse environmental impacts;

5. (Name of Company) represents that to the extent that qualified suppliers are available in Manatee County, it will purchase its materials and equipment locally;

6. (Name of Company) makes a net positive contribution to the local economy; and

H. After consideration of the (Name of Company) Application and the Property Appraiser's report, the Board finds that granting an economic development ad valorem tax exemption to (Name of Company) to encourage expansion of its

business will promote economic sustainability within the County through the creation of jobs and utilization of local resources.

Section 3. Amendment of Chapter 2-29 of the Code. Article XVI of Chapter 2-29 of the Code is hereby amended to establish a new Section 2-29-173 as set forth in **Exhibit "A"** to this Ordinance.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendment in Section 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

[signature page to follow]

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the__ day of _____ 20__.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER

By: _____
Deputy Clerk

Exhibit "A"

New Section 2-29-173
Manatee County Code of Ordinances
Economic Development Ad Valorem Tax Exemption
(Name of Company)

2-29-173. , (Name of Company) **tax year 20__ through tax year 20__.**

(1) *Grant of Ad Valorem Tax Exemption.*

A. After consideration of the application submitted to the County by (Name of Company) (the " (Name of Company Application") requesting an ad valorem tax exemption for up to 100 percent of the assessed value of the qualifying improvements to real property and qualifying tangible personal property specified for a period of ___ years, commencing with Tax Year ____, the Board hereby grants to (Name of Company) and establishes on behalf of (Name of Company) an economic development ad valorem tax exemption as follows:

Year 1(____): ____%

Year 2 (____):____%

Year 3 (____):____%

Year 4 (____):____%

Year 5 (____):____%

Year 6 (____):____%

Year 7 (____):____%

Year 8 (____):____%

Year 9 (____):____%

Year 10 (___):____%

of the assessed value of the net increase in qualifying improvements to real property and qualifying improvements to real property and qualifying tangible personal property as set forth in the (Name of Company) Application, to facilitate the expansion of its business (the (Name of Company) Ad Valorem Tax Exemption").

B. The (Name of Company) Ad Valorem Tax Exemption shall be effective for a period of _____ tax years (the "Exemption Period"), commencing with Tax Year ____ and remaining in effect through Tax Year ____. Pursuant to Section 2-29-166(3) of the Code, the (Name of Company) Ad Valorem Tax Exemption is conditioned

upon entering into a performance agreement, in the form established by the Board by Resolution, with the County stating that it shall remain in compliance with Article XV of Chapter 2-29 of the Code throughout the exemption period as well as the business maintenance and continuing performance provision of the (Name of Company) Application. Should (Name of Company) fail to comply with Article XV of Chapter 2-29 of the Code, the maintenance and continuing performance provision of the (Name of Company) Application, or the requirements of the performance agreement, the Board may revoke the (Name of Company) Ad Valorem Tax Exemption and recover any taxes exempted during the exemption period pursuant to 2-29-170 of the Code.

(2) *Applicability.* Pursuant to Florida Statute 196.1995 and Section 2-29-171 of the Code, the County ad valorem tax exemption granted herein applies only to ad valorem taxes levied by Manatee County on the qualifying improvements to real property and qualifying tangible property specified in the (Name of Company) Application. The exemption does not apply to taxes levied by a municipality, school district, any special taxing district or any other governmental entity, or to taxes levied by the County for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the State Constitution.

(3) *Sunset Date.* (Name of Company) Ad Valorem Tax Exemption shall be in effect through Tax Year ____, at the conclusion of which it shall automatically sunset and no longer be in force and effect for any subsequent tax year.

EXHIBIT "E"

PERFORMANCE AGREEMENT
regarding
ECONOMIC DEVELOPMENT
AD VALOREM TAX EXEMPTION

MANATEE COUNTY, FLORIDA
[EXAMPLE]

This Agreement ("Agreement") is made and entered into as of the __ day of _____, 20__, by and between Manatee County, a political subdivision of the State of Florida (the "County") and _____, a _____ ("[Example]").

RECITALS

WHEREAS, Section 196.1995, *Florida Statutes*, and Section 3, Article VII of the Florida Constitution (collectively and as amended, the "Act"), provide that the Board of County Commissioners of the County (the "Board") may call a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses in Manatee County; and

WHEREAS, the Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act; and

WHEREAS, the Board has adopted Article XIV of Chapter 2-29 of the Manatee County Code of Ordinances, commonly referred to as the Economic Development Ad Valorem Tax Exemption Ordinance (the "Ordinance"), establishing an application process for economic development ad valorem tax exemptions for new businesses and expansions of existing businesses; and

WHEREAS, pursuant to the Ordinance, [Example] has submitted an application in accordance with the Ordinance, requesting an exemption for 100 percent of the assessed value of [the qualifying improvements for the expansion of existing business][new business] located at _____ (the "Facility") and qualifying tangible personal property specified in its application for a period of 10 years, commencing in Tax Year ____ (the "Application"); and

WHEREAS, on _____, contemporaneously with the approval of this Agreement, and in recognition of the economic stimulus [Example] will provide to the community if it

[creates][expands] the Facility, invested approximately ____ dollars ($_____), including the purchase of new equipment, and added ___ new jobs in the County, the Board adopted Ordinance No. __-__, codified as Section 2-29-___ of the Code, establishing an exemption of __ percent of the assessed value of [the new increase in qualifying improvements to] the Facility and qualifying tangible personal property as set forth in the Application (the "Exemption") for a period of __ tax years (the "Exemption Period") commencing in Tax Year __; and

WHEREAS, pursuant to the Ordinance, [Example] is required to enter into this Agreement stating that throughout the Exemption Period, [Example] shall remain in compliance with Ordinance, including without limitation the business maintenance and performance conditions set forth in the Application.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the County and [Example] agree as follows:

Article I
COVENANTS AND OBLIGATIONS

1.1 Incorporation. The recitals set forth above are incorporated herein in their entirety.

1.2 Business Maintenance and Continuing Performance Condition Requirement. Pursuant to representations made by [Example] in its EDAVTE Application, [Example] agrees to:

a. [Create the Facility with] [Expand the Facility by] _____ square feet of manufacturing space and _____ square feet of office space [and remodel _____ square feet of existing space];

b. Through January 1, _____, it will invest approximately _____ Dollars ($_____) in the [creation] [expansion] of its Manatee County Facility, including the purchase of new equipment;

c. Create __ new jobs (__ full-time, __ seasonal) in 20__, __ new jobs (__ full-time, __ seasonal) in 20__ , __ new jobs (__ full-time, __ seasonal) in 20__, __ new jobs (__ full-time, __ seasonal) in 20__ and __ new jobs (__ full-time, __ seasonal) in 20__ for a total of __ new full-time jobs and __ new seasonal jobs by January 1, 20__.

d. Compensate new full-time, non-management employees at an average wage of _____ Dollars ($_____) and new seasonal, non-management employees at an average wage of _____ Dollars ($_____);

e. Compensate its new full-time, management employees at an average wage of

_____ Dollars ($_____); and

f. Use its best efforts to hire employees residing within Manatee County and to use local suppliers for its goods and services.

1.3 **Annual Filings.** Pursuant to Section 2-29-159 of the Code, [Example] shall:

a. Inform the Board in writing within ten days as to any changes in ownership of [Example].

b. Submit an Annual Renewal Statement and an Annual Report to the County's _____ Department on or before March 1 of each year of the Exemption Period.

(1) The annual renewal statement shall certify that information provided in the Application has not changed. In the event the information has changed, the annual renewal statement shall set forth the changes in detail and any supporting documentation that may be necessary.

(2) The annual report shall provide an update on [Example]'s compliance with the business maintenance and continuing performance conditions set forth in Section 1.2 herein.

1.4 **Compliance with Ordinance Requirements.** [Example] shall comply with all terms and conditions set forth in the Ordinance, as it may be amended from time to time, as codified in Article XIV of Chapter 2-29 of the Code, as well as any policies and procedures enacted by the Board from time to time related to the economic development ad valorem tax exemption program.

1.5 **Board Revocation.**

a. In the event [Example] fails to satisfy the business maintenance and continuing performance conditions set forth in Section 1.2 of this Agreement or fails to comply with the Ordinance, the Board may, upon 30 days written notice to [Example], adopt an ordinance revoking the ad valorem tax exemption or take such other action with respect to the Exemption as it deems appropriate.

b. Upon revocation, the Board shall immediately notify the Manatee County Property Appraiser.

c. If it is determined that for any year within the Exemption Period, [Example] was not entitled to receive such Exemption, [Example] shall be subject to the taxes exempted as a result of such failure plus annual interest at the maximum

rate allowed by law.

d. This Section shall survive termination of this Agreement.

1.6 Assignment Estoppel. The rights and privileges granted pursuant to the Ordinance and this Agreement are not assignable or transferable in any manner.

1.7 Binding Effect and Effectiveness; Representations and Warranties.

a. Subject to the specific provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties and their respective successors, notwithstanding changes in corporate or other governance.

b. [Example] represents and warrants to the County that as of the date hereof and throughout the term of this Agreement:

(1) [Example] is a for profit corporation, duly organized under the laws of the State of Florida, maintains a place of business within the State of Florida, and is validly existing and is doing business in the State of Florida as _____.

(2) [Example] has the power and authority to own its properties and assets and to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement.

(3) This Agreement (a) is the lawful, valid and binding agreement of [Example] in its corporate name enforceable against [Example] in accordance with its terms; (b) does not violate any order of any court or other agency of government binding on [Example], the charter documents of [Example] or any provision of any indenture, agreement or other instrument to which [Example] is a party; and (c) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any material indenture, agreement or other instrument to which [Example] in its corporate name is a party;

(4) [Example] has not received written notice of any action having been filed against [Example] that challenges the validity of this Agreement or [Example]'s right and power to enter into and perform this Agreement; and

(5) The Signatory hereto has the authority to execute this Agreement and to bind [Example] to the terms and conditions set forth herein.

Article II
TERM AND TERMINATION.

2.1 Effective Date. This Agreement shall take effect as of its date set forth above.

2.2 Termination. Unless terminated for cause in accordance with applicable law, this Agreement shall terminate on _____, 20__.

Article III
AMENDMENTS; ENFORCEMENT

3.1 Amendments Generally. This Agreement may be amended, and its material provisions may be waived, only by written instrument expressly approved for the County by the Board of County Commissioners and for [Example] by its _____, and only if properly executed by all the parties hereto.

3.2. Enforcement. The parties to this Agreement shall have all legal and equitable remedies provided by Florida law for enforcement hereof.

Article IV
MISCELLANEOUS PROVISIONS

4.1 Validity. After consultation with their respective legal counsel, the County and [Example] each represents and warrants to the other its respective authority and power under Florida law to enter into this Agreement, acknowledges the validity and enforceability of this Agreement, and waives any future right of defense based on claim of illegality, invalidity or unenforceability of any nature. The Facility and the County each hereby represents, warrants and covenants to and with the other (i) that this Agreement has been validly approved by its respective governing body, and (ii) that this Agreement constitutes a legal, valid and binding contract enforceable against the respective party in accordance with the terms hereof (assuming the due authorization, execution and delivery hereof by the other party hereto).

4.2 Indemnification. To the extent permitted by law, and from legally available funds, each of the parties hereto (in such context, an "indemnifying party") shall defend, indemnify and save harmless the other, its officers, agents, employees and assigns, from and against any and all liabilities, claims, damages, losses and expenses, including costs and attorneys fees, arising out of or resulting from the negligent or wrongful acts or omissions of such indemnifying party, its officers,

4.3 Force Majeure. No party shall be liable for any failure to perform, or delay in the performance of, any obligation under this Agreement if such failure is caused directly by hurricane, tornado, fire, earthquake, civil commotion or failure or disruption of utility services, or other like cause beyond the reasonable control of the party obliged to perform.

4.4 Ambiguities. Both parties have been allowed equal input regarding the terms and wording of this Agreement and have had the benefit of consultation with legal counsel prior to its execution, such that all language herein shall be construed equally against the parties, and no language shall be construed strictly against its drafter.

4.5 Headings. The headings or captions of sections or paragraphs used in this Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Agreement.

4.6 Severability. The provisions of this Agreement are declared by the parties to be severable.

4.7 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with laws of the State of Florida.

4.8 Full Agreement. This Agreement contains the entire agreement of the parties with respect to the matters addressed herein. Previous agreements and understandings of the parties, with respect to such matters are null and void and of no effect.

4.9 Notices. All notices, elections, requests and other communications hereunder shall be in writing and shall be deemed given in the following circumstances: when personally delivered; or three (3) business days after being deposited in the United States Mail, postage prepaid, certified or registered; or the next business day after being deposited with a recognized overnight mail or courier delivery service; or when transmitted by facsimile or telecopy transmission, with receipt acknowledged upon transmission; and addressed as follows (or to such other person or at such other address, of which any party hereto shall give written notice as provided herein):

If to County: Manatee County Administrator
Manatee County Administration Center
1112 Manatee Avenue, Suite 920
Bradenton, Florida 34205
Facsimile: (941)745-3790

With copies to: Manatee County Attorney's Office
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205

1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205
Attention: County Attorney
Facsimile: (941)749-3089

If to Facility: _____
_____
_____
_____
_____
_____

In all cases, notices shall be deemed delivered to a party only upon delivery of copies to the persons indicated above in the same manner as for the party being notified.

[signature page to follow]

WHEREFORE, the County and [Example] have executed this Agreement as of the date and year first above written.

MANATEE COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: Board of County Commissioners

By:_____
County Administrator

[EXAMPLE], a _____

By:_____
_____

Exhibit "F"

ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION ANNUAL REPORT

FOR USE BY BUSINESSES RECEIVING ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS GRANTED BY THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

The recipient of an economic development ad valorem tax exemption shall complete and submit this report to Manatee County from whom you have been granted an exemption on or before February 1st of each year for which the exemption is in effect.

Submit to:

Manatee County Redevelopment & Economic Opportunity Department
Economic Development Division
P. O. Box 1000
Bradenton, FL 34206-1000

OFFICIAL USE ONLY

Report #_____ Date Received:_____20_____

FOR EXEMPTION: JANUARY 1, 20___ TO DECEMBER 31, 20___

SECTION 1 – BUSINESS NAME AND MAILING ADDRESS

Business Name:_____

Mailing Address: _____

_____

Phone: _____

FAX: _____

E-Mail: _____

SECTION 2 – PROPERTY OWNER

Full legal name of Business Owner: _____

Title:_____

Phone: _____

FAX: _____

E-Mail: _____

SECTION 3 – EXACT LOCATION OF BUSINESS

Legal description of property for which this application is filed:_____

Property Parcel Identification Number(s):_____

Tangible Personal Property Identification Number(s):_____

Street Address of this property:_____

SECTION 4 – COMMENCEMENT OF OPERATIONS

Date you began business activities at this facility:_____ 20___.

SECTION 5 – REAL PROPERTY

Description of improvements to real property for which exemption was received:

Date of commencement of construction of improvements:

SECTION 6 – TANGIBLE PERSONAL PROPERTY

Provide a description of tangible personal property for which an exemption was received and date when property was purchased.

									Appraiser's USE Only	
Description of Item	*Age*	*Date of Purchase*	*Installation Date*	*Original Installed Cost*	*Good*	*Avg*	*Poor*	*Taxpayer's Estimate of Fair Market Value*	Condition	

Please provide the average value of inventory on hand as of January 1st: $_____

SECTION 7 – NEW OR EXPANSION OF EXISTING BUSINESS

Have you maintained the description of: A New Business or the Expansion of an Existing Business: ☐Yes ☐No

SECTION 8 – TYPE OF BUSINESS

Describe the type of nature of your business:

SECTION 9 – ELIGIBILITY

Check as many as apply below. Identify industry cluster (if applicable): Include NAICS code:

Note: see Guidelines for Economic Development Ad Valorem Tax Exemption for definitions.

- ☐ Manufacturing: (Definition 1a)
- ☐ Targeted Industry: (Definition 1b)
- ☐ Professional: (Definition 2)
- ☐ Office: (Definition3)

☐Other(explain):_____

SECTION 10 – JOBS AND AVERAGE ANNUAL WAGES

Please complete the table below:

You are required to attach a current payroll roster as of January 1st to include employee payroll for January 1st through December 31st of prior year. Omit names and social security numbers of employees.

	FULL TIME JOBS				SEASONAL JOBS	
Original "Existing Jobs" (Prior to Exemption)	# of Mgmt Jobs	Avg. Annual Wage	# of Non-Mgmt. Jobs	Avg. Annual Wage	# of Jobs	Avg. Annual Wage
List "New Jobs" Below (Created since Exemption and distinguish between Mgmt. and non-Mgmt.)	Mgmt. Hire Date	Avg. Annual Wage	Non-Mgmt. Hire Date	Avg. Annual Wage	Hire Date	Avg. Annual Wage

Net increase in full-time employees since exemption was granted: _____ Management _____ Non-Management

Percentage increase in full-time employees since exemption was granted: _____% Management _____% Non-Management

Net increase in seasonal employees since exemption was granted: _____

Percentage increase in seasonal employees since exemption was granted: _____

SECTION 11 – SALES FACTOR

MANATEE COUNTY:

Total sales in the State ending December 31st of prior year from this facility: $_____

Total sales everywhere for this facility: $_____

Sales factor for the facility receiving exemption: _____%

Percentage increase in productive output resulting from this expansion since year exemption was granted:_____%

SECTION 12 – COUNTY OFFICE SPACE – for use by corporation newly located in Manatee County

The date of location in County/City: _____

Number of full-time employees at the time of the application: _____

Number of current full-time employees at this location: _____

SECTION 13 – DATE OF ANNUAL REPORT

I agree to furnish such other information as Manatee County Government or Manatee County Property Appraiser may request in regard to the economic development ad valorem tax exemption granted. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief, including any attached statements, schedules, etc. (If prepared by someone other than the owner, the owner's declaration is based on all information of which he/she has any knowledge.)

Owner Name and Title:_____

Signature:_____

Type or Print Name:_____ Date:_____

PREPARER/AUTHORIZED AGENT:

Name/Address:_____

Telephone:_____Email:_____

Signature:_____

Type or Print Name:_____ Date:_____

State of Florida
County of Manatee

On this, the ____ day of _____, 20 ___, before me a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

In witness hereof, I hereunto set my hand and official seal.

_____ (Stamp/Seal)

Notary Public