



CITY COMMISSION OF THE CITY OF PAHOKEE

WORKSHOP

Tuesday, March 22, 2016 6:00 p.m.
360 E. Main Street, Pahokee, Florida

This Workshop of the City Commission of the City of Pahokee is being held to discuss the March 22, 2016 Agenda.

A. INVOCATION & PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. TOPIC

1. **City Redevelopment Planning and Strategy – Charles Ray**

D. DISCUSSION, COMMENTS, CONCERNS

E. ADJOURN

AGENDA

CITY COMMISSION OF THE CITY OF PAHOKEE
REGULAR COMMISSION MEETING
TUESDAY, March 22, 2016 7:00 P.M.



- A. INVOCATION & PLEDGE OF ALLEGIANCE
- B. ROLL CALL:
- C. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:
- D. CITIZEN COMMENTS (AGENDA ITEMS ONLY):
- E. PUBLIC SERVICE ANNOUNCEMENTS (FILL OUT PUBLIC COMMENT CARD):
- F. APPROVAL OF MINUTES:
 - 1. **Swear In Mayor**
 - 2. **Swear In Commissioner**
 - 3. **March 8, 2016 Regular Scheduled Commission Meeting**
- G. CONSENT AGENDA:
- H. ORDINANCE:
- I. RESOLUTIONS:
 - 1. **RESOLUTION 2016 – 05 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA ALSO EXPRESSES ITS SUPPORT FOR THE CONTINUATION OF THE DESIGNATION OF “RURAL AREA OF OPPORTUNITY” FOR THE SOUTH CENTRAL FLORIDA REGION INCORPORATING THE CITIES OF PAHOKEE, BELLE GLADE AND SOUTH BAY, AND THE COUNTIES OF DESOTO, GLADES, HARDEE, HENDRY, HIGHLANDS, AND OKEECHOBEE, AND THE COMMUNITY OF IMMOKALEE, AND THE CONTINUATION OF ALL STAFFING AND GRANT FUNDING FOR FLORIDA’S HEARTLAND REDI, INC. THROUGH ENTERPRISE FLORIDA, PROVIDING FOR SCRIVENOR’S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZES AND DIRECTS THE MAYOR, CITY MANAGER AND THE CITY’S DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO WORK CLOSELY WITH THE STATE OF FLORIDA’S DEPARTMENT OF ECONOMIC OPPORTUNITY AND FLORIDA’S HEARTLAND REDI, INC. FOR THE BETTERMENT OF THE CITY OF PAHOKEE AND ITS RESIDENTS.**
- J. PUBLIC HEARINGS:
- K. PROCLAMATIONS (approval):
 - 1. **Mort Levine**
- L. PRESENTATIONS:
- M. REPORT OF THE MAYOR:
- N. REPORT OF THE CITY MANAGER:
- O. REPORT OF THE CITY ATTORNEY:
 - 1. **Floodplain**
- P. OLD BUSINESS:
 - 1. **Gymnasium Update**
 - 2. **City Manager’s Evaluation**
- Q. NEW BUSINESS:
- R. CITIZEN COMMENTS / GENERAL CONCERNS:
- S. CORRESPONDENCE /COMMENTS AND CONCERNS OF THE CITY COMMISSIONERS:
- T. ADJOURN:



CHARLES RAY

Mr. Ray is PPM's Brownfields Specialist. He provides technical support to local governments for all the Brownfields related needs.



AREAS OF EXPERTISE

- Brownfields Programs
- Community Outreach
- Economic Development

EXPERIENCE

- 19 years in municipal economic development
- 14 years in the environmental arena
- Responsible for community involvement and public outreach for PPM's brownfields projects for 7 years
- Experienced with variety of stakeholders

Charles Ray

Brownfields Redevelopment

Mr. Ray is a Brownfields Specialist in PPM's Apollo Beach, Florida satellite office. Mr. Ray's responsibilities consist of providing technical support to local governments. This technical support includes comprehensive planning, economic development and redevelopment planning, grant management and compliance, grant writing, and community organizing. Charles Ray's professional career began in the corporate sector as a cost accountant, costs control analyst and contract administrator. After leaving the private sector, he began his government career as an internal auditor. Nineteen of the past 23 years in city government, he served as Economic Development Coordinator. His responsibilities involved commercial and industrial project management, project design, project cost allocation, city council presentations, neighborhood revitalization planning and organizing, grant writing, and credit underwriting (Industrial Revenue Bonds and micro-enterprise loan). Since 1996, Charles has concentrated on business retention and expansion of brownfields sites and areas and has facilitated the creation of over 550,000 square feet of commercial/industrial construction and several hundred new value-add jobs. Charles is currently a member of the Florida Brownfields Association Board of Directors and has served as adjunct speaker with the American Bar Association/Environmental Law Institute on the topic "The City as Pre-developer of Brownfields Properties".

Economic Development Coordinator for the City of St. Petersburg, Florida for 19 years. Provided technical support to businesses seeking to relocate or expand their existing operation within the City, thereby creating job opportunities. Identified and assisted companies to secure funding for projects. Provided project management from the construction permit stage to project completion. Additional responsibilities involved management of all state and federal grants and loans.

Program Manager for St. Petersburg, Florida Brownfields Program from the inception of the city's Brownfields program in 1997 to 2006. Obtained \$5,750,000 in Brownfields funding within the City of St. Petersburg. The Brownfields Program facilitated several business expansion and relocation transactions. From 1997 through 2006, the Brownfields Program received \$1,950,000 in Federal and state brownfields grants and a \$4,000,000 HUD Section 108 Loan for brownfields redevelopment projects. This funding has facilitated the creation 1000 plus jobs, approximately 400,000 square feet of new private construction, and a 150,000 square foot Region Job Corps Center.

Public Outreach Coordinating for 19 years with the City of St. Petersburg. Fully involved in this role for commercial and industrial projects that involved multiple stakeholders, including area residents, the business sector, the FDEP, and the USEPA, with interest in the planning and development of brownfields sites.

Project Manager for the Atherton Oil Brownfields site that obtained funding from the EPA and State of Florida Brownfields programs. Facilitated, removal of 13 petroleum storage tanks, 8 underground storage tanks and 5 above ground storage tanks, with the largest being 20,000 gallons. Managed demolition of two commercial structures on site, along with lead and asbestos testing. Facilitated Phase I and Phase II and supplemental testing of groundwater, resulting in groundwater contamination and delineation of the plume.

Project Manager for the Mercy Hospital site that received the 2005 EPA Region 4 Brownfields Phoenix Award for the City of St. Petersburg. Role in project was to facilitate adapted reuse of an abandon hospital within the minority community in St. Petersburg. The old hospital was converted to the Johnnie-Ruth Clarke Health Center, which currently employees 80 people and servicing 300 patients per month. Project included testing and remediation with the contamination coming from an offsite source. Facilitated collaboration between the state, the city and the owner to remove the leaking underground storages tanks to stop the continuing source of contamination.



Charles Ray



Brownfields Specialist

RFQ #13-14—City of DeLand, Florida

Project Manager for the Euro-Bake, Inc. a \$10 million dollar, 55,000 square foot bakery plant in the Dome Industrial Park in St. Petersburg. The Euro-Bake plant provides up to 400 full-time jobs. The Dome Industrial Park is an EPA Brownfields Pilot Project Area. The project involved the acquisition and demolition of two existing structures and environment work that included the removal of USTs.

FDEP Petroleum Participation Cleanup Program, Charles has successfully facilitated indigent property owners with submission of PPCP applications to fund assessment and clean up jobs. Old gas stations being the source of off-site petroleum contamination prohibiting environmental assessment work at the target site.

Project Manager, EPA Technical Assistance To Brownfields Communities Program (May 2008-April 2013) provided hands-on technical assistance to local governments and not-for-profit organizations in Florida and throughout EPA Regions 4 and 6. The assistance provide ranged from brownfields program management, grant writing assistance, community involvement plan development and implementation and grant compliance.

OATH OF OFFICE

I, KEITH BABB, JR. DO SOLEMNLY SWEAR, THAT
I WILL SUPPORT, PROTECT AND DEFEND THE CONSTITUTION
AND GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE STATE OF FLORIDA;

THAT I AM DULY QUALIFIED TO HOLD OFFICE UNDER THE
CONSTITUTION OF THIS STATE, AND CHARTER OF THE CITY OF
PAHOKEE;

THAT, I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF
THE OFFICE OF THE CITY OF PAHOKEE ON WHICH I AM NOW
ABOUT TO ENTER, SO HELP ME GOD.

Signature

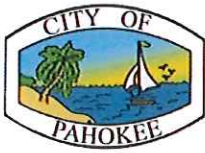
OATH OF OFFICE

I, DIANE WALKER DO SOLEMNLY SWEAR, THAT
I WILL SUPPORT, PROTECT AND DEFEND THE CONSTITUTION
AND GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE STATE OF FLORIDA;

THAT I AM DULY QUALIFIED TO HOLD OFFICE UNDER THE
CONSTITUTION OF THIS STATE, AND CHARTER OF THE CITY OF
PAHOKEE;

THAT, I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF
THE OFFICE OF THE CITY OF PAHOKEE ON WHICH I AM NOW
ABOUT TO ENTER, SO HELP ME GOD.

Signature



**CITY COMMISSION OF THE CITY OF PAHOKEE
REGULAR COMMISSION MEETING MINUTES
Tuesday, March 8th, 2016**

Pursuant to due notice the regularly scheduled Commission meeting was held in the Commission Chambers at 360 E. Main St., Pahokee, Palm Beach County, Florida on Tuesday, March 8, 2016.

The meeting was called to order by Vice Mayor Walker at 7:12p.m.

Official attendance was recorded as follows:

<u>Roll Call:</u>	Mayor Colin Walkes	Absent
	Commissioner Allie Biggs	Present
	Commissioner Felisia Hill	Present
	Commissioner Nathaniel Holmes	Present
	Vice Mayor Diane Walker	Present
	City Manager Chandler Williamson	Present
	City Attorney Gary Brandenburg	Present
	Sergeant At Arms Lt. Daniel Picciolo	Present
	Deputy City Manager Tammy Jackson-Moore	Present
	City Clerk Tijauna Warner	Present

Additions, Deletions, and Approval of Agenda Items:

City Manager Mr. Williamson requested adding an amended Resolution 2016 – 02 to P3.

Approval of Amendments to the Agenda.

Motion by Commissioner Biggs. Seconded by Commissioner Holmes.

Motion carried on unanimously.

Approval of Minutes:

1. Feb. 23, 2016 Regular Scheduled Commission Meeting.

Approval of Minutes.

Motion by Vice Mayor Biggs. Seconded by Commissioner Holmes.

Motion carried on unanimously.

Resolutions:

1. RESOLUTION 2016 – 04 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE SUBRECIPIENT AGREEMENT BY AND BETWEEN PALM BEACH COUNTY AND THE CITY OF PAHOKEE

Approval of Resolution 2016 – 04.

Motion by Commissioner Biggs. Seconded by Commissioner Holmes.

Motion carried on unanimously.

Presentations:

1. Honoring Commissioner Allie Biggs –plaque present by the City of Pahokee.

Report of the City Manager:

City Manager Mr. Williamson states “There’s nothing new to add. We are going to fill some pot holes around the City, in Citizens Villa, and other projects around town”.

Commissioner Holmes asks “Do we have a successful bidder for the East Main Project”?

Mr. Williams responds “Yes, when we get down to that”.

Report of the City Attorney:

City Attorney Mr. Brandenburg states “I have nothing to add today”.

Old Business:

1. Gymnasium Update

City Manager Mr. Williamson states “In our workshop the private donor is still working on their plans for the gymnasium. We look for to them presenting their plans to the community for the renovation of the gym. Hopefully, we’ll get that wrapped up in a couple of weeks. The individuals will be hereto present those plans to the City”.

2. City Manager’s Evaluation

Vice Mayor Walker suggested setting a date for the City Manager’s Evaluation.

Ms. Bellamy (Human Resource Director) commented “Once I receive all the evaluations, I will prepare a report for the Commissioners. Hopefully, we can get them all back before the week is out”.

3. Amending Resolution 2016 – 02

City Manager Mr. Williamson advised we are changing the language for the purchase of the City Manager’s vehicle.

City Attorney Mr. Brandenburg asks “Are you purchasing this vehicle out right”?

Mr. Williamson responds “Yes”.

Mr. Brandenburg asks “With City cash”?

Mr. Williamson replies “No, PNC is financing”.

Mr. Brandenburg states “To finance there’s an agreement and you have no authority to execute that without it coming before the commission for them to approve it. When is that agreement coming in? You can’t sign off on that agreement, the City Commission has to agree on it. So, if you are going to finance a car the finance agreement has to be put on the Commission Agenda for them to look at and approve before you can sign a purchase order to buy the car. If you’re going to finance it”!

Mr. Williamson asks “Is that in addition to the resolution that has already been approve”?

Mr. Brandenburg responds “The resolution says that the City approves spending up to \$37, 000 for buying a car. It didn’t say anything about financing anything. So, any contract that’s above \$10,000 or any contract to borrow anything has to be approve by the Commission”.

Mr. Williams inquires “Right, what the resolution was for? That was the intention of the resolution, I believe”.

Mr. Brandenburg replies “No, it wasn’t. I wrote the resolution. All it said was you were authorized to buy a car, it didn’t say anything about financing”.

Mr. Williamson states “If you wrote the resolution, then whether we are purchasing or financing the language is not in there. We have to bring this back to the Commissioners. Why didn’t you tell us that earlier”?

Mr. Brandenburg responds “City Manager, you didn’t tell me you were borrowing money from PNC to pay for this car nor did you tell me if it was going to be a lease or purchase. If it was going to be a lease, the lease agreement had to come back. Had you asked me any of these questions in advance, I would’ve advised you how to do this. But, you did not”.

Mr. Williamson replies "We had a resolution that came before us, we all agreed, and you were here. Why didn't you advise us then if it was going to be a purchase or a lease"?

Mr. Brandenburg responds "Because you didn't tell me what it was going to be".

Mr. Williamson states "You're talking apples and bananas".

Mr. Brandenburg replies "I'm not talking apples and bananas. You have a purchase agreement, but you don't have a finance agreement".

Mr. Williamson asks "We need a finance agreement"?

Mr. Brandenburg responds "If you are going to borrow money from the bank to pay for it".

Mr. Williamson asks "What's the next step"?

Mr. Brandenburg replies "Bring the finance agreement for \$41,000.00 to buy this vehicle, put it on the agenda, and have the board approve it. The resolution you are asking them to approve was given to the City Clerk about 3:30 this afternoon".

Mr. Williamson advised it was just a language change.

Mr. Brandenburg advised it's not a language change.

Commissioner Holmes asks "I think our agreement for purchasing the City Manager's vehicle was \$37,000. Does this say \$41,000"?

Mr. Williamson advised the vehicle came in a little higher than expected, therefore we had to change the language.

Vice Mayor Walker inquiries about section two (2) of the resolution in regards to credit cards.

Mr. Williamson states "When we first came here, the City really didn't have any credit. We had the credit, but it was very low. As far as our credit, we didn't have much spending power. So, it took us about a year to increase our credit limit. I am happy to say that paying bills on time and going automatic pay system has paid off. Now, our purchasing on our credit cards has gone from \$10,000 to \$40,000. That's just a credit to us paying our bills on time with PNC Bank".

Commission Biggs advised everyone doesn't know the truth about what happen in the City of Pahokee during the time of acting City Manager and we are still trying to figure it out.

Commissioner Holmes advised when we agree on a certain price there's vehicles you can get under the price range.

Mr. Williamson advised this isn't permanent, we can certainly go back to the drawing board and come in under that number.

New Business:

1. East Main Place Road Improvement Tabulation/Recommendation Letter

Approval of Rio-Bak as the awarded bidder.

Motion by Commissioner Biggs. Seconded by Commissioner Holmes.

Motion carried on unanimously.

2. City of Pahokee Properties Sale/Bid

Commissioner Biggs comments "I believe somewhere down the line we have citizens trying to get a piece of property for their food truck. Was that ever figured out what we are going to do"?

City Manager Mr. Williamson replies "Yes, that property is on the list. She will have the opportunity to bid it like any other interested party".

Commissioner Biggs responds "The last meeting we agreed that she can lease it. What happened with that"?

Mr. Williamson states "We had a conversation about that. Seeing that these properties will be going out for sale, I thought it was best to prepare them for sale than leasing and someone else buy it".

Commissioner Biggs replies "When our citizen comes to us for help, we can reach out. The said Pahokee is not such a friendly place. I am so proud of A1, they're here. But, when we have someone in our own community that can't get help. I'm just saying let's give her consideration. We have to encourage the City Manager to look out for our citizens. Everybody's important. Let's be more considerate of our own. Thanks Mr. Chandler, it's not just you, it's all of us".

Mr. Williamson advised the list will be out in about ten (10) to fifteen (15) days.

Commissioner Holmes inquired about Bio-Mass because of a statement he heard at the L.O.R.E. meeting by Ms. Kelly Smallridge.

Commissioner Biggs suggest the City do their research because she didn't get sick from Bio-Mass and the company can bring jobs to this community.

Commissioner Holmes advised that Bio-Mass is a safety matter.

City Attorney Mr. Brandenburg advised "There's two (2) issues here. One (1) is the SWA they have set up safety measures that they want accomplished for the company to move forward. They also have questioned whether or not the company is doing what they told us from the beginning that they were going to do. My main concerns there is that the report the SWA gave themselves said that only materials was coming into the site and it wasn't leaving the site. Then, it really becomes a landfill which is a violation of the SWA rules and a zoning violation for that property".

Approval List of City Property for Sale/Bid.

Motion by Commissioner Holmes. Seconded by Commissioner Biggs.

Motion carried on unanimously.

Citizen Comments:

Mr. Carl Morrison (resident) advised there are a couple of concerns with the buying of the City Manager's vehicle and the City's property list that's going out for sale. He feels there should be some language with the bid documents that states the use of the property, so the City won't have a back lash. Also, he feels that with the purchase of the City Manager's vehicle we need to be aware of the interest rate.

Mr. Jason Crawford (resident) has general comments not in reference to any of the agenda items. He advised everything the City comes up to election time it becomes a racial issue. He responds "We need to come together. We got to do better. When you look at it a lot of our kids are going up in this environment. Basically, we all can just agree to disagree. If you don't like a certain issue, then vote on it. If it doesn't go your way, just let it go. Just still get to the table to accomplish our goals".

City Commission Comments:

Commissioner Biggs bids everyone a good evening or good night. Commissioner Biggs advised "It has been an adventure. Tonight, I look back and thank God for one thing. He helped me in my right mind and I prayed so hard for this City. It's not about me. I didn't choose this God choose me to do this. Jason said a mouth full. I just said from day one, they will stab you behind your back. But, it doesn't matter. I'm not gone sit back and tell you what I accomplished because I alone did not accomplish anything. But, working together with Commissioners since 2002 we have many accomplishments. One of the things is where we are sitting at right now. Don't come to the meetings when you are mad about something, you should come to these meetings every day. See what you can do to make it better, each of us have minds. This may be my last time, but I want to let you know. Don't talk about each other behind each other's back, instead left each other up. Love is not what is said, but what is done. Good night people and forget about the past. Life is too short. I love everybody, so have a blessed night. It's been a pressure serving you. Thank you for allowing me to serve you. But, guess what? It's not over until God says it is like Mr. Chandler said. Good night. And you all can give me a hand".

Commissioner Holmes advised he was at the L.O.R.E. meeting this morning and spoke with a businessman on reconstructing the hospital. Commissioner Holmes states "I saw the diagram and it was beautiful. He said the people helped him move forward. When I first came here, I didn't know anything. I have learned how to do business without fussing. We can disagree and still do well for the City. I have seen so much. Whatever new person or current to stay in, we have to agree to disagree. If you are rare blessed to come up here and serve your city, please come with a positive attitude and try to move our City forward. It's sad we are sitting up here fussing and fighting. I want to have a meeting where we are smiling. Stop bringing up the past. Guy Harvey is over and gone. You still talking about Guy Harvey. Let's come with a positive view. Now, give me a hand".

Commissioner Hills states "You guys know I normally don't take long. But, I must say bring that Commissioner Biggs and Commissioner Holmes has discussed the moments of them being in this sit. I must discuss it as well. I am one of those persons that endured a lot of bitter sweet moments during my term. You can say let's be positive until you are in the situation I have been in and still standing. My mind frame has literally changed; I am not the same person I was when I came on board. I came in with an open heart, very positive person, and I never was the type that talked about people or meant harm on people; after going through some of the things that I've gone through with some of the Commissioners and some of the citizens. I am going to tell it like it is. I don't say much because of the legal issues, but they're closing now. There are new things trying to open, but I'm not worried about that because I know God has me. I know in my heart what was done to me and who did it. For people to come here and say let's keep it positive, I want the same attitude when it shifts. Make sure you keep that positive attitude. Citizens teach yourselves the real knowledge of what's going on in these seats. Don't listen to a lot of the things that people say, come to these meetings and hear it for yourself. You will be in shock. There was a time I thought Ms. Biggs was the craziest person on the earth, but I've learned different. I'm not afraid to say that anymore because I know in my heart what I did. I know the type of person I am and I think a lot of the citizens know that too. That's why I'm still here and I won't be going anywhere. If you went through what I've gone through and had to sit in a jail cell and know it was done wrongfully and still come out on top. I still happy and I am still positive, but I observe. Like Ms. Biggs say love is an action. I am going to keep it real, people will sit here and say all these things about love. It's a lie. We need to learn how to respect one another. While I've been in this sit I haven't done a lot, but I've endured a lot. I apologize to my citizens. Am I angry? Yes. Citizens I love you and always will. Younger citizens you need to get involved and come to these meetings and change a lot of this stuff because a lot of it is why we can't move this City forward. Thank you".

There being no further business to discuss, Vice Mayor Walker adjourns the meeting at 8:27 p.m.

Colin O. Walkes, Mayor

ATTEST: Tijauna Warner, City Clerk

RESOLUTION 2016 - 05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA ALSO EXPRESSES ITS SUPPORT FOR THE CONTINUATION OF THE DESIGNATION OF "RURAL AREA OF OPPORTUNITY" FOR THE SOUTH CENTRAL FLORIDA REGION INCORPORATING THE CITIES OF PAHOKEE, BELLE GLADE AND SOUTH BAY, AND THE COUNTIES OF DESOTO, GLADES, HARDEE, HENDRY, HIGHLANDS, AND OKEECHOBEE, AND THE COMMUNITY OF IMMOKALEE, AND THE CONTINUATION OF ALL STAFFING AND GRANT FUNDING FOR FLORIDA'S HEARTLAND REDI, INC. THROUGH ENTERPRISE FLORIDA, PROVIDING FOR SCRIVENOR'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZES AND DIRECTS THE MAYOR, CITY MANAGER AND THE CITY'S DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO WORK CLOSELY WITH THE STATE OF FLORIDA'S DEPARTMENT OF ECONOMIC OPPORTUNITY AND FLORIDA'S HEARTLAND REDI, INC. FOR THE BETTERMENT OF THE CITY OF PAHOKEE AND ITS RESIDENTS.

WHEREAS, In 1993, Florida's Heartland REDI, Inc. was incorporated to promote and improve economic development in the six counties of Glades, Hardee, DeSoto, Highlands, Hendry, and Okeechobee, and the rural communities the Board of Directors designated; and,

WHEREAS, In 1994 Florida's Heartland REDI, Inc. (FHREDI) was incorporated to promote and improve economic development in the six counties, three cities and one community; and

WHEREAS, In 2001, Governor Jeb Bush, by executive order, identified the six counties of Glades, Hardee, DeSoto, Highlands, Hendry, and Okeechobee, and the three cities of Belle Glade, South Bay, Pahokee, and the Community of Immokalee, as Rural Areas of Critical Economic Concern (RACEC), which was renewed in 2006; and in 2011 for a five year period; and

WHEREAS, In 2015, Governor Rick Scott changed the designation from Rural Areas of Critical Economic Concern (RACEC) to Rural Areas of Opportunity (RAO); and,

WHEREAS, Florida's Heartland REDI, Inc. has made great strides in improving the economic outlook for the above counties and local communities (which are sometimes referred to as the South Central Rural Area of Opportunity) by assisting with recruiting new industries, supporting infrastructure projects and working together with the counties and local communities and other organizations such as Enterprise Florida, and the Governor's Office of Tourism, Trade and Economic Development; and,

WHEREAS, the City Commission of the City of Pahokee, directs the City's Department of Community and Economic Development to re-establish and deepen a working relationship with the State of Florida's Department of Economic Opportunity (DEO) to work within the confines of the Rural Areas of Opportunity (RAO) in improving the economic outlook of the City of Pahokee by receiving support through the RAO program State of Florida's Department of Economic Opportunity (DEO) and authorize the Director of Community and Economic Development to work with and serve on the Florida's Heartland REDI, Inc. Board of Directors and staff for needed infrastructure projects, assistance with and recruiting of new industries and firms to the City of Pahokee for the betterment of our City's residents.

WHEREAS, notwithstanding the progress that has been made, there is still much work that needs to be done to help these three cities, six counties, and one community to compete economically with other parts of Florida.

WHEREAS, notwithstanding the progress that has been made, these three cities, six counties, and one community still face extraordinary challenges to improve their economies, specifically in terms of personal income, job creation, average wages and strong tax bases to compete economically with other parts of the state; and

WHEREAS, the counties and local communities in Florida's Heartland REDI, Inc. region named above now request Governor Rick Scott to renew the designation of the counties and the local communities as a Rural Area of Opportunity; and,

WHEREAS, the re-designation will allow for a waiver of criteria, requirements or similar provisions of economic development incentive, including, but not limited to, the Qualified Target Industry Tax Refund Program under ss. 288.106, the Quick Response Training Program under ss.288.047 and the Quick Response Training program for participants in the welfare transition program under 288.047(8), and the rural job tax credit program under ss. 212.098 and;

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE THAT:

- Section 1. That the foregoing "Whereas" clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.
- Section 2. That the designation of "Rural Areas of Opportunity" be renewed for an additional five years, until at least 2/20/2021 for the cities of Pahokee, Belle Glade, South Bay and the Counties of Desoto, Okeechobee, Glades, Hardee, Highlands, Hendry and the community of Immokalee (Collier

County) in support of the economic development of the above named counties and local communities

- Section 3 That the staffing grant funding for Florida’s Heartland REDI, Inc through DEO be continued.
- Section 4 That the Mayor, City Manager and Director of Community and Economic Development are authorized to work closely with Florida’s Heartland REDI’s Board of Directors and staff for the economic development, new industry/business attraction for the City of Pahokee and the City’s residents.
- Section 5 Scrivener’s Errors: Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager’s designee, without need of further decision making action by the City Commission of the City of Pahokee
- Section 6 Severability: If any portion of this Resolution is for any reason held or declared to be unconstitutional, invalid, void or in conflict with a prior ordinance, such holding shall not affect the remaining portions of this Resolution. If this Resolution shall be held to be inapplicable to any person or circumstances, such holding shall not affect the applicability of this Resolution to any other person or circumstances.
- Section 7 Effective Date: This resolution shall take effect upon the adoption of this Resolution by the City Commissioners of the City of Pahokee.

PASSED AND ADOPTED this 22nd day of March, 2016.

ATTESTED:

Keith Babb, Mayor

Tijauna Warner, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

Gary M. Brandenburg, City Attorney

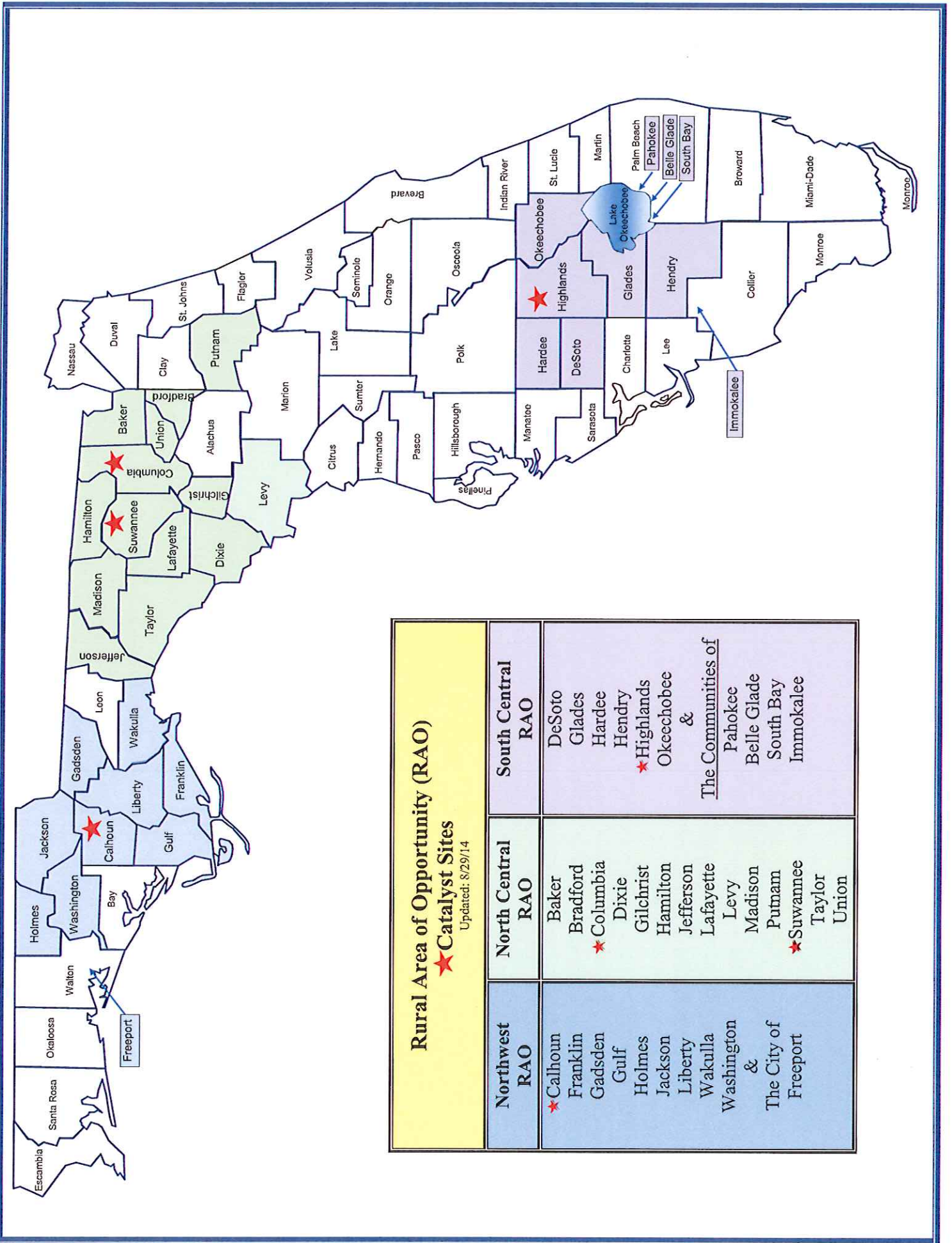
Mayor Babb

Commissioner Biggs

Commissioner Hill

Commissioner Holmes

Commissioner Walker



Rural Area of Opportunity (RAO) ★ Catalyst Sites <small>Updated: 8/29/14</small>		
Northwest RAO ★ Calhoun Franklin Gadsden Gulf Holmes Jackson Liberty Wakulla Washington & The City of Freeport	North Central RAO Baker Bradford ★ Columbia Dixie Gilchrist Hamilton Jefferson Lafayette Levy Madison Putnam ★ Suwannee Taylor Union	South Central RAO DeSoto Glades Hardee Hendry ★ Highlands Okeechobee & <u>The Communities of</u> Pahokee Belle Glade South Bay Immokalee

Rural Area of Opportunity (RAO) Designation

Section 288.0656(b), F.S. "The Rural Economic Development Initiative, known as "REDI," is created within the department, and the participation of state and regional agencies in this initiative is authorized."

Rural Area of Opportunity (RAO)

Per s. 288.0686 (2) (d), F.S., "Rural Areas of Opportunity" means a rural community, or region composed of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress or natural disaster or that presents a unique economic development opportunity of regional impact. REDI may recommend up to three RAO regions to the Governor.

Per s. 288.0656 (3), F.S. REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

Per s. 288.0656(7)(a), designated RAOs are priority assignments for REDI and allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive.

Request for Designation or Re-designation

- Local governments (applicant) to submit a designation, or re-designation request to the recognized regional organization. If a regional economic development organization, created by rural counties, does not exist at the time re-designation is requested, DEO will work with directly with county and community leaders within the region.
 - Such rural regional organizations may include, but not limited to:
Opportunity Florida, North Florida Economic Development Partnership (NFEDP), Florida's Heartland Regional Economic Development Initiative, Inc. (FHREDI), Original Florida, and Riverway South Apalachicola.
- Regional organization to submit a formal request to the Department of Economic Opportunity (DEO) and documentation "demonstrating the need for designation/re-designation. The formal request shall include:
 - a cover letter from the regional organization;
 - letters of support and resolution from each local government within the region;
 - a list of accomplishments that are direct results of the RAO designation;
 - a list of current issues and needs to be addressed and how the RAO designation will be utilized to resolve them.
- DEO to forward the request and backup provided by the regional organizations to REDI representatives for review.
- DEO to provide economic rankings of Florida's 67 counties to REDI representatives. Counties requesting RAO designation will be highlighted.
- Regional organization to present formal request to REDI representatives at monthly REDI meeting held the 3rd Friday of each month. The presentation should cover a list of accomplishments made under the current designation; a list of needs and issues to be addressed if re-designation is approved.

- REDI to provide recommendations to DEO within 14 business days after presentation has been made. REDI representatives may request additional information if deemed necessary.
- Upon the recommendation of REDI, DEO to submit recommendation to the Office of the Governor and request that an Executive Order (E.O) be created, or amended, to include the recommendation as provided by REDI.
- Upon receipt of Executive Order, per s. 288.0656 (7)(b), designation is contingent upon the execution of a memorandum of agreement between:
 - The Department of Economic Opportunity
 - The governing body of the county, and
 - The governing bodies of the municipalities of Rural Areas of Opportunity region.
 - NOTE: Governing bodies to submit a Resolution supporting the designation or re-designation.

The Governor may designate up to three RAOs by Executive Order. The three designated RAOs currently consist of:

- **South Central RAO:** DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).
- **Northwest RAO:** Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
- **North Central RAO:** Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.



ONE CONNECTION. ENDLESS POSSIBILITIES.

FHREDI's Broadband Initiative is creating a community network that will facilitate collaboration among partners and serve as a tool to be an economic development catalyst. Join the excitement of the following South Central Florida partners as we connect to the rest of the world.

[LEARN MORE ABOUT FRBA](#)

WELCOME TO THE HEARTLAND

There is simply no better location for business in the Southeast than Florida's Heartland. The region is in a prime location to serve domestic and international markets. Businesses in the Heartland are strategically positioned to benefit from a unique set of assets such as:

- Seven deep water ports
- Eight international airports, Two regional airports, Nine municipal airports
- Three railroads
- Three major interstates, plus the Florida Turnpike
- Numerous major feeder highways
- Countless acres of available land
- Two foreign trade zones
- A workforce of approximately 125,000 within the region and approximately 3 million in contiguous counties
- A high speed wireless broadband network, provided by the Florida Rural Broadband Alliance

Florida's Heartland also offers the highest quality of place and natural resources with all the advantages of a small community, and the convenience and support of five nearby metropolitan cities: Tampa/St. Petersburg, Orlando, West Palm Beach/Fort Lauderdale, Miami-Dade, Bradenton/Sarasota.

INVITATION TO NEGOTIATE

Florida Rural Broadband Alliance
Invitation to Negotiate "ITN"
Network Owner/Operator

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[Title XIX](#)
PUBLIC
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[Chapter 288](#)
COMMERCIAL DEVELOPMENT AND CAPITAL
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288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by CareerSource Florida, Inc., in conjunction with Enterprise Florida, Inc., and the Department of Education. CareerSource Florida, Inc., shall adopt guidelines for the administration of this program, shall provide technical services, and shall identify businesses that seek services through the program. CareerSource Florida, Inc., may contract with Enterprise Florida, Inc., or administer this program directly, if it is determined that such an arrangement maximizes the amount of the Quick Response grant going to direct services.

(2) CareerSource Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college or school district and that the instruction promotes economic development by providing specialized training to new workers or retraining for current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs. Such funds may not be expended to provide training for instruction related to retail businesses or to reimburse businesses for trainee wages. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another unless CareerSource Florida, Inc., determines that, in the absence of such relocation, the business will move outside this state or that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) Requests for funding may be submitted to the Quick-Response Training Program by a specific business or industry, through a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state or local economic development efforts. In allocating funds for the purposes of the program, CareerSource Florida, Inc., shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to a career center, community college, or state university. Program funds may be allocated to private postsecondary institutions only after a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by CareerSource Florida, Inc. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term may not exceed 24 months. Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.

(4) For the first 6 months of each fiscal year, CareerSource Florida, Inc., shall set aside 30 percent of the amount appropriated by the Legislature for the Quick-Response Training Program to fund instructional programs for businesses located in an enterprise zone or brownfield area. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for a program that qualifies for funding pursuant to this section.

(5) Prior to the allocation of funds for a request made pursuant to this section, CareerSource Florida, Inc., shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and CareerSource Florida, Inc. Such agreement must include, but is not limited to:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs, not to exceed 5 percent of the grant amount.

(d) An identification of special program requirements that are not addressed otherwise in the agreement.

(e) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. [119.07\(1\)](#). The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

(6) For purposes of this section, CareerSource Florida, Inc., may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

(7) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. [119.07\(1\)](#). The state may seek copyright protection for instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section, except for materials that are confidential and exempt from the provisions of s. [119.07\(1\)](#).

(8) The Quick-Response Training Program is created to provide assistance to participants in the welfare transition program. CareerSource Florida, Inc., may award quick-response training grants and develop applicable guidelines for the training of participants in the welfare transition program. In addition to a local economic development organization, grants must be endorsed by the applicable regional workforce board.

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce board, or the business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the welfare transition program.

(b) Participants trained pursuant to this subsection must be employed at a job paying at least \$6 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another if approved by CareerSource Florida, Inc.

(9) Notwithstanding any other provision of law, eligible matching contributions received under this section from the Quick-Response Training Program may be counted toward the private sector support of Enterprise Florida, Inc., under s. [288.904](#).

(10) CareerSource Florida, Inc., and Enterprise Florida, Inc., shall coordinate and cooperate in administering this section so that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires

about or applies for funding under this section. A business shall be provided with a single point of contact for information and assistance.

History.—s. 2, ch. 93-187; ss. 2, 71, ch. 94-136; s. 874, ch. 95-148; s. 3, ch. 95-345; s. 37, ch. 96-320; s. 134, ch. 96-406; s. 15, ch. 97-278; s. 34, ch. 97-307; s. 23, ch. 98-57; s. 78, ch. 2000-165; s. 3, ch. 2000-317; s. 22, ch. 2004-357; s. 139, ch. 2011-142; s. 5, ch. 2015-98.

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[Title XIV](#)[Chapter 212](#)[View Entire Chapter](#)**TAXATION AND FINANCE TAX ON SALES, USE, AND OTHER TRANSACTIONS****212.098 Rural Job Tax Credit Program.—**

(1) As used in this section, the term:

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. [288.106](#). A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Department of Economic Opportunity may, as part of its final budget request submitted pursuant to s. [216.023](#), recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) “Qualified employee” means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified county in which the eligible business is located. The term also includes an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months. An owner or partner of the eligible business is not a qualified employee.

(c) “Qualified area” means any area that is contained within a rural area of opportunity designated under s. [288.0656](#), a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Department of Economic Opportunity shall rank and tier the state’s counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.
2. Lowest per capita income for the most recent 36-month period.
3. Highest percentage of residents whose incomes are below the poverty level, based upon the most

recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the period provided for application by subsection (2) is not considered a new business.

(e) "Existing business" means any eligible business that does not meet the criteria for a new business.

(2) A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible business in a qualified area that has at least 10 qualified employees on the date of application shall receive a \$1,000 tax credit for each such employee.

(3) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business with fewer than 50 employees in a qualified area that on the date of application has at least 20 percent more qualified employees than it had 1 year prior to its date of application shall receive a \$1,000 tax credit for each such additional employee. An existing eligible business that has 50 employees or more in a qualified area that, on the date of application, has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a \$1,000 tax credit for each additional employee. Any existing eligible business that received a credit under subsection (2) may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection (2).

(4) For any new eligible business receiving a credit pursuant to subsection (2), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. For any existing eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the county. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

(5) To be eligible for a tax credit under subsection (3), the number of qualified employees employed 1 year prior to the application date must be no lower than the number of qualified employees on the application date on which a credit under this section was based for any previous application, including an application under subsection (2).

(6)(a) In order to claim this credit, an eligible business must file under oath with the Department of Economic Opportunity a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Pursuant to the incentive review process under s. 288.061, the Department of Economic Opportunity shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Department of Economic Opportunity shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million. The Department of Revenue, in conjunction with the Department of Economic Opportunity, shall notify the governing bodies in areas designated as qualified counties when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant

to this section.

(d) A business may not receive more than \$500,000 of tax credits under this section during any one calendar year.

(7) If the application is insufficient to support the credit authorized in this section, the Department of Economic Opportunity shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(8) If the credit under this section is greater than can be taken on a single tax return, excess amounts may be taken as credits on any tax return submitted within 12 months after the approval of the application by the department.

(9) It is the responsibility of each business to affirmatively demonstrate to the satisfaction of the Department of Revenue that it meets the requirements of this section.

(10) Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit and is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(11) A corporation may take the credit under this section against its corporate income tax liability, as provided in s. [220.1895](#). However, a corporation that uses its job tax credit against the tax imposed by chapter 220 may not receive the credit provided for in this section. A credit may be taken against only one tax.

(12) A new or existing eligible business that receives a tax credit under subsection (2) or subsection (3) is eligible for a tax refund of up to 50 percent of the amount of sales tax on purchases of electricity paid by the business during the 1-year period after the date the credit is received. The total amount of tax refunds approved pursuant to this subsection may not exceed \$600,000 during any calendar year. The department may adopt rules to administer this subsection.

History.—s. 2, ch. 97-50; s. 11, ch. 98-342; s. 87, ch. 99-251; s. 3, ch. 99-342; s. 57, ch. 2000-165; s. 16, ch. 2000-210; s. 3, ch. 2001-106; s. 4, ch. 2001-201; s. 24, ch. 2002-218; s. 5, ch. 2009-51; s. 33, ch. 2010-5; s. 78, ch. 2011-142; s. 15, ch. 2013-18; ss. 2, 28, ch. 2014-218.

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[Title XXVI](#)[Chapter 339](#)[View Entire Chapter](#)

PUBLIC TRANSPORTATION TRANSPORTATION FINANCE AND PLANNING

339.2821 Economic development transportation projects.—

(1)(a) The department, in consultation with the Department of Economic Opportunity and Enterprise Florida, Inc., may make and approve expenditures and contract with the appropriate governmental body for the direct costs of transportation projects. The Department of Economic Opportunity and the Department of Environmental Protection may formally review and comment on recommended transportation projects, although the department has final approval authority for any project authorized under this section.

(b) As used in this section, the term:

1. “Governmental body” means an instrumentality of the state or a county, municipality, district, authority, board, or commission, or an agency thereof, within which jurisdiction the transportation project is located and which is responsible to the department for the transportation project.

2. “Transportation project” means a transportation facility, as defined in s. [334.03](#), which the department, in consultation with the Department of Economic Opportunity, deems necessary to facilitate the economic development and growth of the state.

(2) The department, in consultation with the Department of Economic Opportunity, shall review each transportation project for approval and funding. In the review, the department must consider:

- (a) The cost per job created or retained considering the amount of transportation funds requested;
- (b) The average hourly rate of wages for jobs created;
- (c) The reliance on any program as an inducement for determining the transportation project’s location;
- (d) The amount of capital investment to be made by a business;
- (e) The demonstrated local commitment;
- (f) The location of the transportation project in an enterprise zone as designated in s. [290.0055](#);
- (g) The location of the transportation project in a spaceport territory as defined in s. [331.304](#);
- (h) The unemployment rate of the surrounding area; and
- (i) The poverty rate of the community.

The department may contact any agency it deems appropriate for additional information regarding the approval of a transportation project. A transportation project must be approved by the department to be eligible for funding.

(3)(a) The department must approve a transportation project if it determines that the transportation project will:

1. Attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state.
2. Allow for the construction or expansion of a state or federal correctional facility in a county having a population of 75,000 or fewer which creates new employment opportunities or expands or retains employment in the county.

(b) The department must ensure that small and minority businesses have equal access to participate in transportation projects funded pursuant to this section.

(c) In addition to administrative costs and equipment purchases specified in the contract, funds for approved transportation projects may be used for expenses that are necessary for building new, or improving existing, transportation facilities. Funds made available pursuant to this section may not be expended for the relocation of a business from one community to another community in this state unless the department determines that, without the relocation, the business will move outside the state or determines that the business has a compelling economic reason for the relocation, such as creating additional jobs.

(4) A contract between the department and a governmental body for a transportation project must:

(a) Specify that the transportation project is for the construction of a new or expanding business and specify the number of full-time permanent jobs that will result from the project.

(b) Identify the governmental body and require that the governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or rules unless the transportation project can be constructed using existing local governmental employees within the contract period specified by the department.

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

2. A description of each change order executed by the governmental body;

3. A budget summary detailing planned expenditures compared to actual expenditures; and

4. The identity of each small or minority business used as a contractor or subcontractor.

(d) Require that the governmental body make and maintain records in accordance with accepted governmental accounting principles and practices for each progress payment made for work performed in connection with the transportation project, each change order executed by the governmental body, and each payment made pursuant to a change order. The records are subject to financial audit as required by law.

(e) Require that the governmental body, upon completion and acceptance of the transportation project, certify to the department that the transportation project has been completed in compliance with the terms and conditions of the contract between the department and the governmental body and meets the minimum construction standards established in accordance with s. [336.045](#).

(f) Specify that funds will not be transferred to the governmental body unless construction has begun on the facility of the business on whose behalf the award was made. The grant award shall be terminated if construction of the transportation project does not begin within 4 years after the date of the initial grant award.

(g) Require that funds be used only on a transportation project that has been properly reviewed and approved in accordance with the criteria provided in this section.

(h) Require that the governing board of the governmental body adopt a resolution accepting future maintenance and other attendant costs occurring after completion of the transportation project if the transportation project is constructed on a county or municipal system.

(5) For purposes of this section, Space Florida may serve as the governmental body or as the contracting agency for a project within a spaceport territory as defined by s. [331.304](#).

(6) Each governmental body receiving funds under this section shall submit to the department a financial audit of the governmental body conducted by an independent certified public accountant. The department, in consultation with the Department of Economic Opportunity, shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are

resolved.

(7) The department shall monitor the construction or building site for each transportation project that receives funding under this section, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

History.—s. 32, ch. 2012-128; s. 18, ch. 2014-223.

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1**288.106 Tax refund program for qualified target industry businesses. –**

(1) **LEGISLATIVE FINDINGS AND DECLARATIONS.**—The Legislature finds that retaining and expanding existing businesses in the state, encouraging the creation of new businesses in the state, attracting new businesses from outside the state, and generally providing conditions favorable for the growth of target industries creates high-quality, high-wage employment opportunities for residents of the state and strengthens the state’s economic foundation. The Legislature also finds that incentives narrowly focused in application and scope tend to be more effective in achieving the state’s economic development goals. The Legislature further finds that higher-wage jobs reduce the state’s share of hidden costs, such as public assistance and subsidized health care associated with low-wage jobs. Therefore, the Legislature declares that it is the policy of the state to encourage the growth of higher-wage jobs and a diverse economic base by providing state tax refunds to qualified target industry businesses that originate or expand in the state or that relocate to the state.

(2) **DEFINITIONS.**—As used in this section:

(a) “Account” means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. [288.095](#).

(b) “Authorized local economic development agency” means a public or private entity, including an entity defined in s. [288.075](#), authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

(c) “Average private sector wage in the area” means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which the business is located.

(d) “Business” means an employing unit, as defined in s. [443.036](#), that is registered for reemployment assistance purposes with the state agency providing reemployment assistance tax collection services under an interagency agreement pursuant to s. [443.1316](#), or a subcategory or division of an employing unit that is accepted by the state agency providing reemployment assistance tax collection services as a reporting unit.

(e) “Corporate headquarters business” means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

(f) “Enterprise zone” means an area designated as an enterprise zone pursuant to s. [290.0065](#).

(g) “Expansion of an existing business” means the expansion of an existing Florida business by or through additions to real and personal property, resulting in a net increase in employment of not less than 10 percent at such business.

(h) “Fiscal year” means the fiscal year of the state.

(i) “Jobs” means full-time equivalent positions, including, but not limited to, positions obtained from a

temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project or any jobs previously included in any application for tax refunds under s. [288.1045](#) or this section.

(j) “Local financial support” means funding from local sources, public or private, that is paid to the Economic Development Trust Fund and that is equal to 20 percent of the annual tax refund for a qualified target industry business. A qualified target industry business may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(k) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a brownfield area, a rural city, or a rural community. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l) “New business” means a business that applies for a tax refund under this section before beginning operations in this state and that is a legal entity separate from any other commercial or industrial operations owned by the same business.

(m) “Project” means the creation of a new business or expansion of an existing business.

(n) “Qualified target industry business” means a target industry business approved by the department to be eligible for tax refunds under this section.

(o) “Rural city” means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by the department to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city’s employment base in agriculture-related industries.

(p) “Rural community” means:

1. A county having a population of 75,000 or fewer.
2. A county having a population of 125,000 or fewer that is contiguous to a county having a population of 75,000 or fewer.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. [186.901](#).

(q) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the department in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.
2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.
3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.
4. Market and resource independent.—The location of industry businesses should not be dependent on

Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies. Special consideration should be given to industries that facilitate the development of the state as a hub for domestic and global trade and logistics.

The term does not include any business engaged in retail industry activities; any electrical utility company as defined in s. 366.02(2); any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(r) "Taxable year" means taxable year as defined in s. 220.03(1)(y).

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the department that were paid by the business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by the department, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to \$2,000 multiplied by the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state's

incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to \$2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

- a. Falls within one of the high-impact sectors designated under s. 288.108; or
- b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

²(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone.

²(d) After entering into a tax refund agreement under subsection (5), a qualified target industry business may:

1. Receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business that begins after entering into the agreement:

- a. Corporate income taxes under chapter 220.
- b. Insurance premium tax under s. 624.509.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

- a. Taxes on sales, use, and other transactions under chapter 212.
- b. Intangible personal property taxes under chapter 199.
- c. Excise taxes on documents under chapter 201.
- d. Ad valorem taxes paid, as defined in s. 220.03(1).
- e. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

(e) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption previously granted to that business for any of the taxes listed in paragraph (d). If a refund for such taxes is provided by the department, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the department within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless the department determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

(g) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the department before the business decides to locate in this state or before the business decides to expand its existing operations in this state. The application must include, but need not be limited to, the following information:

1. The applicant's federal employer identification number and, if applicable, state sales tax registration number.
2. The proposed permanent location of the applicant's facility in this state at which the project is to be located.
3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.
4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.
5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.
6. The anticipated commencement date of the project.
7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.
8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.
9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.
10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, the department may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board.
11. Any additional information requested by the department.

(b) To qualify for review by the department, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the department:

- 1.a. The jobs proposed to be created under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the local governmental entity providing the local financial support of the jurisdiction where the qualified target industry business is to be located shall notify the department and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business's wage commitment.

In determining the average annual wage, the department shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The department may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The department may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If the department elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the project and, in the case of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and Enterprise Florida, Inc., the department may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the department elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project must be within an industry identified by the department as a target industry business that contributes to the economic growth of the state and the area in which the business is located, that produces a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area's and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the department for determination of eligibility. The department shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state's economy, consistent with the state strategic economic development plan prepared by the department.

2. The economic benefits of the proposed award of tax refunds under this section.

3. The amount of capital investment to be made by the applicant in this state.

4. The local financial commitment and support for the project.

5. The expected effect of the project on the unemployed and underemployed in the county where the project will be located.

6. The expected effect of the award on the viability of the project and the probability that the project would be undertaken in this state if such tax refunds are granted to the applicant.

7. A review of the business's past activities in this state or other states, including whether the business has been subjected to criminal or civil fines and penalties. This subparagraph does not require the disclosure of confidential information.

(d) Applications shall be reviewed and certified pursuant to s. 288.061. The department shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31

of the preceding state fiscal year. If appropriate, the department shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(e) The department may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the department may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (3)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(f) This section does not create a presumption that an applicant will receive any tax refunds under this section. However, the department may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the department that specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of tax refunds that the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That the department may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (6) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. The department may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing body within 90 days after the department has issued the letter of certification under subsection (4).

6. That the department may conduct a review of the business to evaluate whether the business is continuing to contribute to the area's or state's economy.

7. That in the event the business does not complete the agreement, the business will provide the department with the reasons the business was unable to complete the agreement.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the department of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (6) (e) or the department grants the business an economic recovery extension.

1. A qualified target industry business may submit a request to the department for an economic recovery extension. The request must provide quantitative evidence demonstrating how negative economic conditions

in the business's industry, the effects of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the department has 45 days to notify the requesting business, in writing, whether its extension has been granted or denied. In determining whether an extension should be granted, the department shall consider the extent to which negative economic conditions in the requesting business's industry have occurred in the state or the effects of a named hurricane or tropical storm or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. The department shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the department to, at a minimum, ensure that the terms of the agreement comply with current law and the department's procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, the department shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, the department may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic recovery extension to the department in lieu of any tax refund claim scheduled to be submitted after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the executive director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. The department may grant an extension of this period at the written request of the qualified target industry business.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is not a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds is conditioned on and subject to specific annual appropriations by the Florida Legislature sufficient to pay amounts authorized in section 288.106, Florida Statutes."

(6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the department under subsection (5) must apply by January 31 of each fiscal year to the department for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The department may, upon written request, grant a 30-day extension of the filing date.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for the relevant fiscal year in that agreement.

(c) The department may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the department with proof that, in a single year, the business has paid

an amount of state taxes from the categories in paragraph (3)(d) which is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(d) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted, and the limitations in subsection (3) and paragraph (4)(e) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the department when such support is paid to the account.

(e) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified target industry business if all other applicable requirements have been satisfied and the business proves to the satisfaction of the department that:

1. It has achieved at least 80 percent of its projected employment; and
2. The average wage paid by the business is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification, or 150 percent or 200 percent of the average private sector wage if the business requested the additional per-job tax refund authorized in paragraph (3)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(f) The department, with such assistance as may be required from the Department of Revenue, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. The department may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(g) The total amount of tax refund claims approved by the department under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(h) This section does not create a presumption that a tax refund claim will be approved and paid.

(i) Upon approval of the tax refund under paragraphs (d), (e), and (f), the Chief Financial Officer shall issue a warrant for the amount specified in the written order. If the written order is appealed, the Chief Financial Officer may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(7) ADMINISTRATION.—

(a) The department may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this section, the department may provide a list of qualified target industry businesses to the Department of Revenue or to any local government or authority. The department may request the assistance of those entities with respect to

monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for qualified target industry businesses under this section may not be used by the department for any purpose other than the payment of tax refunds authorized by this section.

(d) Beginning with tax refund agreements signed after July 1, 2010, the department shall attempt to ascertain the causes for any business's failure to complete its agreement and its findings and recommendations must be included in the annual incentives report under s. 288.907.

(8) SPECIAL INCENTIVES.—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to \$6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. over the term of the agreement. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver. Such business shall be eligible for the additional tax refund payments specified in subparagraph (3)(b)4. if it meets the criteria. As used in this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(9) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2020. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

History.—s. 76, ch. 94-136; s. 44, ch. 96-320; s. 31, ch. 97-99; s. 19, ch. 97-278; s. 7, ch. 98-75; s. 26, ch. 99-251; s. 38, ch. 2000-210; s. 59, ch. 2001-61; s. 11, ch. 2002-294; s. 4, ch. 2002-392; s. 8, ch. 2003-36; s. 341, ch. 2003-261; s. 3, ch. 2003-270; s. 61, ch. 2004-269; s. 3, ch. 2005-276; s. 38, ch. 2007-5; s. 17, ch. 2009-51; s. 1, ch. 2010-136; s. 18, ch. 2010-147; s. 14, ch. 2011-4; s. 25, ch. 2011-76; s. 150, ch. 2011-142; s. 2, ch. 2011-223; s. 30, ch. 2012-5; s. 57, ch. 2012-30; s. 36, ch. 2012-96; s. 9, ch. 2012-117; s. 16, ch. 2013-39; s. 17, ch. 2013-42; s. 2, ch. 2013-96; s. 8, ch. 2015-3.

¹**Note.**—Section 30, ch. 2015-221, provides that:

“(1) A business may apply to the Department of Economic Opportunity for the incentives specified in subsection (2) if each of the following criteria is satisfied:

“(a) The business has entered into a contract with the Department of Economic Opportunity for a project under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, or 288.1089, Florida Statutes, between January 1, 2012, and July 1, 2015.

“(b) The contract is deemed active by the Department of Economic Opportunity and has not expired or been terminated.

“(c) The project that is the subject of the contract is located within the boundaries of an enterprise zone designated pursuant to chapter 290, Florida Statutes, as the boundaries existed on May 1, 2015.

“(2) For a project described under paragraph (1)(c), a business qualified under subsection (1) may apply for the following incentives:

“(a) The property tax exemption for a licensed child care facility under s. 196.095, Florida Statutes 2014.

“(b) The building sales tax refund under s. 212.08(5)(g), Florida Statutes 2014.

“(c) The business property sales tax refund under s. 212.08(5)(h), Florida Statutes 2014.

“(d) The electrical energy sales tax exemption under s. 212.08(15), Florida Statutes 2014.

“(e) The enterprise zone jobs tax credit under s. 212.096, Florida Statutes 2014.

“(f) The enterprise zone jobs tax credit under s. 220.181, Florida Statutes 2014.

“(g) The enterprise zone property tax credit under s. 220.182, Florida Statutes 2014.

“(3) The Department of Economic Opportunity must provide a list of businesses that are qualified under subsection (1) to the Department of Revenue by December 31, 2015. The Department of Economic Opportunity must also provide notice to the Department of Revenue within 10 days after the expiration or termination of a contract.

“(4) From January 1, 2016, to December 31, 2018, the Department of Economic Opportunity is designated to perform all the duties and responsibilities that were performed by the governing body or enterprise zone development agency having jurisdiction over the enterprise zone under ss. 196.095, 212.08(5)(g) and (h), 212.08(15), 212.096, 220.181, and 220.182, Florida Statutes 2014, including receipt and review of applications and verifications.

“(5) The incentives described in subsection (2) are to be treated as if they had not expired on December 31, 2015.

“(6) This section is effective January 1, 2016, and expires on December 31, 2018.”

↳ **Note.**—Section 35, ch. 2011-76, provides that:

“(1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.

“(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 6 months after the date adopted and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.”

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*Proclamation
Expression of Sympathy
Mort Levine*



Whereas, the residents of Pahokee with heavy hearts, are still very proud to recognize the life and valuable contributions of Mayor Mort Levine; and

Whereas, Mort Levine, became a member of the Planning and Zoning Board for the Town of Juno Beach in 1999; and

Whereas, Mort Levine was voted into the Town of Juno Beach Council in 2008; and

Whereas, Mort Levine was appointed Mayor on March 25, 2009 and served until his passing on March 12, 2016; and

Whereas, Mort Levine will be remembered by his effervescent spirit and commitment to the residents, along with the respect, admiration, and high regard he earned by all whom he touched; and

NOW, THEREFORE, be it resolved, on behalf of the City Commission and the Citizens of Pahokee, that by the virtue of the authority vested in me as Mayor of Pahokee do hereby extend our sincerest sympathy to the family of Mort Levine;

"Expression of Sympathy Mort Levine"

Pass and Adopted this 22nd day of March, 2016.

Mayor Keith Babb, Jr.

Commissioner Diane L. Walker

Commissioner Felisia C. Hill

Commissioner Allie H. Biggs

Commissioner Nathaniel Holmes