

ORDINANCE NO. 84-1

AN ORDINANCE EMPOWERING THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, TO GRANT ECONOMIC AD VALOREM TAX EXEMPTIONS TO NEW BUSINESSES AND EXPANDING NEW BUSINESSES; PROVIDING DEFINITIONS; ESTABLISHING CRITERIA, PROCEDURES, ASSIGNMENTS AND RESPONSIBILITIES OF COUNTY PROPERTY APPRAISER; PROVIDING CRITERIA FOR THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER IN GRANTING OR DENYING EXEMPTIONS; PROVIDING FOR ADOPTION OF RULES RELATING TO IDENTIFICATION AND CLARIFICATION OF SUCH PROPERTY AND BUSINESSES; PROVIDING A SEPARABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to provide for the orderly economic development of Calhoun County, and to encourage economic development in Calhoun County by granting certain tax exemptions to new businesses and expanding existing businesses.

WHEREAS, the voters of Calhoun County, Florida, have recognized the need for granting a tax exemption to new businesses and expanding existing businesses through its referendum process.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calhoun County, Florida:

SECTION 1. SHORT TITLE. This ordinance shall be known as and may be referenced as Economic Development Ad Valorem Tax Exemption Ordinance of Calhoun County, Florida.

SECTION 2. JURISDICTION. This Ordinance shall apply to all unincorporated areas of Calhoun County, Florida.

SECTION 3. APPLICATION. This Ordinance shall provide for exemption for only those ad valorem taxes levied by the BOARD OF COUNTY COMMISSIONERS.

SECTION 4. NEW BUSINESS. In this Ordinance the word "NEW BUSINESS" shall mean an activity described under Florida Statutes Section 196.012 (14a), as follows:

A. A business establishing ten or more jobs to employ ten or more full-time employees in this State, which manufactures, processes, compounds, fabricates, or produces for sale, items of tangible personal property at a fixed location and which comprises industrial or manufacturing plant;

B. A business establishing twenty-five or more jobs to employ twenty-five or more full-time employees in this State, a sales factor which, as defined by Section 214.71(3), for the

facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed;

An office space in this State owned and used by a corporation newly domiciled in this State; provided such office space houses fifty or more full-time employees of such corporation;

C. Provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business;

D. A business located in an area designated a slum or blight area pursuant to Section 163.355. For the purpose of this Section, the term "slum area" and "blight area" has the same meaning as in Section 163.340(7) and (8).

SECTION 5. EXPANSION: Expansion of an existing business in this Ordinance shall mean an activity described under Florida Statutes Section 196.012 (14a), as follows:

A. A business establishing ten or more jobs to employ ten or more full-time employees in this State, which manufactures, processes, compounds, fabricates, or produces for sell items of tangible personal property at a fixed location and which comprises industrial or manufacturing plant;

B. Business establishing twenty-five or more jobs to employ twenty-five or more full-time employees in this State, the sales factor of which is defined by Section 214.71(3), for the facility with respect to which it requests an economic development ad valorem tax exemption of less than 0.50 for each year the exemption is claimed;

Provided that such business increases operation on a site co-located with a commercial or industrial operation owned by the same business, resulting in a net increase of employment of not less than 10% or an increase in productive output of not less than 10%.

SECTION 5. EXEMPTION. Exemption means exempt from ad valorem taxation of 100 percent of the assessed value of all improvements to real proeprty made by or for the use of the new business as defined

above, and all tangible personal property of such new business; or 100 percent of the assessed value of all added improvements to real property, which additions are made to facilitate the expansion of an existing, co-located business, and the net increase of all tangible personal property applied in connection therewith.

SECTION 6. EXEMPTIONS SHALL NOT APPLY. Exemptions shall not apply to:

- A. Land on which a new business or expanding business is located;
- B. Property acquired to replace existing property;
- C. Taxes levied to pay for bond issues or other special tax levies authorized by voters;
- D. School taxes;
- E. Water management districts.

SECTION 7. APPLICATION IN TERMS. In accordance with policy goals established in Florida Statutes Section 196.12 and 196.1995, exemptions granted to a new business or expanding are renewable each year for a period of ten years providing the business makes application by March 1st and provides not less than ten new jobs in Calhoun County, Florida, for ten new employees each year substantiated by appropriate payroll recommendations. Failure to make or renew application by March 1st of any year shall constitute a waiver of the exemption for that year. Extension may be granted if not filed timely at no fault of applicant. Such extension shall be granted in the discretion of the Board of County Commissioners. The authority to grant exemptions under this Ordinance shall expire ten years after the date such authority was approved in election, i.e. September 7, 1992, however, such authority may be renewed for another ten year period in a referendum called pursuant to Florida Statutes.

SECTION 8. NON-RETROACTIVE. Exemptions under this Ordinance shall first apply to a new business and expanding business for the assessed value of improvements to real property and tangible personal property on the 1984 assessment rolls of Calhoun County, Florida. Improvements on real property and tangible personal property on assessment rolls of Calhoun County, Florida, prior to 1984 are not

eligible under this Ordinance.

SECTION 9. APPLICATION PROCEDURES. Any person, firm, or corporation, new business or expanding business as defined above which desires an economic development ad valorem tax exemption shall, in the year the exemption is desired to take effect, file a written application on a form prescribed by the Department of Revenue with the Board of County Commissioners of Calhoun County, Florida. The application shall request the adoption of an Ordinance granting the applicant an exemption pursuant to this Section and include the following information:

A. The name and location of new business or expansion of existing business;

B. A description of improvements to real property for which an exemption is requested, and the date of commencement of construction of said improvements;

C. The description of tangible personal property for which an exemption is requested and the dates which such property was or is to be purchased, and;

D. Proof to the satisfaction of the Board of County Commissioners of Calhoun County, Florida, that the applicant is a new business or expansion of an existing business as defined in 196.012 (14 or 15)

E. Further information deemed necessary by the Department or the Board of County Commissioners.

SECTION 10. REVIEW PROCEDURE. Prior to review of the application by the Board of County Commissioners, said Board shall cause a copy of the application to be delivered to the Calhoun County Property Appraiser. In accordance with Florida Statutes 192.012, and 196.1995, the Property Appraiser shall study the application and report the following to the Board of County Commissioners:

A. The Total revenue available to the County for the current fiscal year from ad valorem tax sources;

B. Any revenue loss to the County for the current fiscal year by virtue of exemptions previously granted under this Section;

C. An estimate of the revenue which would be lost by the County during the current fiscal year if the exemptions applied for

was granted had the property for which the exemption is requested otherwise been subject to taxation; and

D. A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or expansion of existing business as defined in Sections 196.012 (14) or (15), or into neither, which determination the Property Appraiser shall also affix to the face of the application. Upon the request of the Property Appraiser, the Department of Revenue shall provide to him such information as it may have available to assist in making such determination.

SECTION 11. ORDINANCE GRANTING EXEMPTION. An Ordinance granting an exemption under this Ordinance shall be adopted in the same manner as any other Ordinances of the County and shall include the following:

A. The name and address of the new business or expansion of an existing business to which the exemption is granted;

B. The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year, the total amount of revenue loss to the County for the current fiscal year by virtue of economic development ad valorem tax exemptions currently in effect, and the estimated revenue loss to the County or municipality from the current fiscal year attributable to the exemption of the business named in the Ordinance; the expiration date of the exemption; and finding that the business named in the Ordinance meets the requirements of 196.012(14) or (15).

SECTION 12. DISCRETIONARY POWERS. In utilizing the discretionary power to grant exemptions to new and expanding businesses as defined above, the Board of County Commissioners shall consider the following points:

A. The increase in employment attributable to the new or expanding business;

B. The favorable or adverse impact on the community by the new or expanded business as determined by the Board of County Commissioners including but not limited to environment and labor availability;

C. The costs of any increased local government services,

including but not limited to roads, water, sewer, gas and law enforcement, and other directive expenditures associated with that specific business;

D. The unemployment and underemployment of the available local labor force and the types and wages of jobs to be created;

E. The availability of the County to otherwise meet its total fiscal needs should the requested exemption be granted.

SECTION 13. OTHER POWERS. In addition to the foregoing, the Board of County Commissioners is authorized and empowered to:

A. Prescribe rules and regulation and policies in connection with the performance of its functions and duties under this Ordinance including such as may pertain to the receipt and review of preliminary application of proposals for the exemptions hereunder, and

B. Issue, make, and execute such other instruments as may be necessary and convenient in the exercise of its functions and duties under this Ordinance.

SECTION 14. SEPARABILITY CLAUSE. Should any section or provision of this Ordinance be declared by the Court to be unconstitutional or invalid; such a decision shall not effect the validity of the Ordinance as a whole or any part thereof, other than that part so declared to be unconstitutional and invalid.

SECTION 14. DISCRETIONARY. It shall be solely within the discretion of the Board of County Commissioners of Calhoun County, Florida, to determine whether any new business or expansion of an existing business meets the criteria as outlined above and even if said new business or expansion of an existing business meets the criteria as outlined above, the Board of County Commissioners shall have absolute discretion to grant such exemption as they deem in the best interest of the County.

SECTION 15. REPEAL. All ordinances, or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby subordinated to the provision of this Ordinance, or repealed to the extent necessary to give this ordinance full force and effect.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect as

provided by law.

PASSED AND ADOPTED this 7th day of February, 1984.

BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA

BY

Drew Peacock, Jr.
DREW PEACOCK, Jr.
Chairman

WITNESSED:

Willie D. Wise
WILLIE D. WISE,
Clerk

STATE OF FLORIDA
COUNTY OF CALHOUN

I, WILLIE D. WISE, Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the above and foregoing is a true and correct copy of an Ordinance as the same was duly adopted and passed at a regular meeting of the Board on the 7th day of February, 1984, and as the same appears on record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 7th day of February, 1984.

Willie D. Wise
WILLIE D. WISE, Clerk of the Board of
County Commissioner of Calhoun County,
Florida

CERTIFIED A TRUE COPY.

Gail O'Bryon, Deputy Clerk
WILLIE D. WISE
CLERK CIRCUIT COURT
CALHOUN COUNTY, FLORIDA