

**Board of County Commissioners  
Agenda Request**

**Date of Meeting:** May 3, 2016

**Date Submitted:** April 19, 2016

**To:** Honorable Chairperson and Members of the Board

**From:** Robert M. Presnell, County Administrator  
Beth Kirkland, CECD, Gadsden County Development Council  
David Weiss, County Attorney

**Subject:** **Public Hearing:** Adoption of Ordinance No. 2016-006, An Ordinance of the Board of County Commissioners of Gadsden County, Florida, relating to economic development; establishing an Economic Development Grant Program; setting forth application requirements and evaluation criteria; providing for grant agreements with recipients; providing procedures and requirements for receipt of scheduled grant payments; providing for repeal, severability, inclusion in the Gadsden County Code of Ordinances, modifications that may arise from consideration at public hearing, and correction of scrivener's errors; and providing for an effective date

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**Statement of Issue:**

This agenda item seeks adoption of an ordinance establishing an Economic Development Grant Program for the provision of grants to private enterprises for the attraction of new businesses to Gadsden County, the expansion of existing businesses within Gadsden County, and the development of speculative space in Gadsden County in order to attract new businesses.

**Background:**

Section 125.045, Florida Statutes, authorizes the Board to expend public funds to attract and retain business enterprises, and declares the use of public funds toward the achievement of those economic development goals by making grants to private enterprises for the expansion of businesses existing in the community and the attraction of new businesses to the community to constitute a public purpose.

The Board has instructed staff to draft an ordinance that allows the Board to award grants to private enterprises for the expansion of existing businesses and the attraction of new

businesses in order to enhance the economic tax base of the County; afford high quality employment opportunities to Gadsden County citizens; and support the provision of public services, infrastructure, facilities, and capital improvements in Gadsden County.

**Analysis:**

Attached is proposed Ordinance No. 2016-006 for the Board's consideration. If adopted by the Board, it will allow the Board to award economic development grants to private enterprises for the expansion of existing businesses, the attraction of new businesses, and the construction of speculative space for the attraction of new businesses. As proposed, applicants would be awarded grants based on the number of points accumulated for meeting certain criteria, and would have to accumulate a minimum number of points in order to qualify for a grant award. However, the Board would not be required to award a grant if the applicant qualifies for a grant award.

The Gadsden County Development Council would review applications and award points based on specified criteria, then submit a report and recommendation to the Board. If the applicant receives the minimum number of points to qualify for a grant, the Board would decide whether, and in what amount, to award a grant based on a point schedule. If the Board decides to award a grant, it would enter into a grant agreement with the grant recipient which would establish a grant payment schedule. The grant recipient would then be eligible to receive scheduled grant payments annually upon submission of an application and verification that the recipient is fully operational and has met all of the criteria of the Code, the grant agreement, and all other applicable law, as long as funds have been appropriated and are available in the grant fund in the adopted budget for that fiscal year.

The proposed ordinance would repeal and replace Ordinance No. 2008-026, currently codified at Chapter 2, Article IV, Division 2, section 2-151 et seq. of the Gadsden County Code of Ordinances, entitled the "Gadsden County Jobs Growth Incentive and Economic Development Ordinance," which also allows for grant awards, but does not include a point schedule or a method for calculation based on investment in the project.

**Fiscal Impact:**

As proposed, the grants would be calculated based on a percentage of the general county portion of the additional ad valorem and tangible personal property taxes to be paid by the grant recipient for a period of up to four years as a result of the improvements to the real property made to the site of the project and capital investment in the project, as well as a percentage of the infrastructure fees and payroll taxes to be paid by the grant recipient as a result of the project. The calculation would not be based on a percentage of the total value of the real property, but on a percentage of the increase in value of the real property as a result of the improvements. The total grant would be paid in annual installments over a period of up to seven years, subject to the grant recipient meeting all requirements and the appropriation and availability of funds in the adopted budget for the fiscal year in which the scheduled payment is to be made. The scheduled grant payment

would not be made until the grant recipient has paid the full amount of the ad valorem and tangible personal property taxes for the fiscal year in which the scheduled grant payment is to be made.

**Options:**

1. Approve and adopt the attached Ordinance No. 2016-006 and authorize the Chairperson to sign.
2. Propose changes to the attached Ordinance No. 2016-006, and adopt with changes.
3. Disapprove and reject Ordinance No. 2016-006.
4. Board direction.

**County Administrator's Recommendation:**

Option 4

**Attachment:**

1. Draft Ordinance No. 2016-006.
2. Notice of Intent.
3. Section 125.045, Florida Statutes.

**ORDINANCE NO. 2016-006**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA RELATING TO ECONOMIC DEVELOPMENT; ESTABLISHING AN ECONOMIC DEVELOPMENT GRANT PROGRAM; SETTING FORTH APPLICATION REQUIREMENTS AND EVALUATION CRITERIA; PROVIDING FOR GRANT AGREEMENTS WITH RECIPIENTS; PROVIDING PROCEDURES AND REQUIREMENTS FOR RECEIPT OF SCHEDULED GRANT PAYMENTS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gadsden County, Florida has all of the powers of self-government as provided by general or special law; and

**WHEREAS**, the Gadsden County Board of County Commissioners ("Board") may enact ordinances not inconsistent with general or special law; and

**WHEREAS**, Section 125.045, Florida Statutes, authorizes the Board to expend public funds to attract and retain business enterprises, and declares the use of public funds toward the achievement of those economic development goals by making grants to private enterprises for the expansion of businesses existing in the community and the attraction of new businesses to the community to constitute a public purpose; and

**WHEREAS**, the Board has determined that the expenditure of funds through grants to private enterprises for the expansion of existing businesses and the attraction of new businesses will enhance the economic tax base of the County; afford high quality employment opportunities to Gadsden County citizens; and support the provision of public services, infrastructure, facilities, and capital improvements in Gadsden County; and

**WHEREAS**, the Board has determined that the achievement of economic development goals through the provision of grants to private enterprises for the expansion of existing businesses and the attraction of new businesses will protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, that:**

**Section 1. Incorporation of Recitals.**

The foregoing recitals are hereby incorporated by reference into the body of this Ordinance, and are adopted as findings of fact.

**Section 2. Authority and Purpose.**

This Ordinance is adopted pursuant to Section 125.045, Florida Statutes, for the purpose of achieving the economic development goals of enhancing the economic tax base of Gadsden County; affording high quality employment opportunities to Gadsden County citizens; and providing public services, infrastructure, facilities, and capital improvements in Gadsden County.

**Section 3. Approval and Adoption of the Ordinance.**

The Gadsden County Economic Development Grant Program Ordinance as attached hereto as Exhibit A is hereby approved and adopted.

**Section 4. Repealer.**

Ordinance No. 2008-026, currently codified at Chapter 2, Article IV, Division 2, section 2-151 et seq. of the Gadsden County Code of Ordinances, and all prior policies, resolutions and ordinances, or portions thereof, which are in conflict with the Gadsden County Economic Development Grant Program Ordinance are hereby repealed and superseded to the extent of such conflict.

**Section 5. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, phrase, or provision, and shall not be affected by such holding.

**Section 6. Inclusion into the Code of Ordinances.**

This Ordinance shall be codified in the Gadsden County Code of Ordinances as set forth in Exhibit A.

**Section 7. Modification.**

It is the intent of the Board that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk.

**Section 8. Scrivener's Errors.**

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

**Section 9.    Effective Date.**

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten (10) days of adoption and this Ordinance shall be effective as provided by law.

**DULY READ, PASSED AND ADOPTED** by the Board of County Commissioners of Gadsden County, Florida after proper notice and public hearing, this 3rd day of May, 2016.

BOARD OF COUNTY COMMISSIONERS  
GADSDEN COUNTY, FLORIDA

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BRENDA A. HOLT, Chairperson

ATTEST:

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NICHOLAS THOMAS,  
Clerk of the Circuit Court

APPROVED AS TO FORM FOR THE  
RELIANCE OF GADSDEN COUNTY,  
FLORIDA ONLY

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DAVID J. WEISS, County Attorney

## Exhibit A

ORDINANCE 2016-006

EXHIBIT A

Chapter 20 – Economic Development

Article 1 – Economic Development Grants

Section 20-1. Declaration of Public Purpose and Intent. The Gadsden County Board of County Commissioners has determined that the expenditure of funds through grants to private enterprises for the expansion of existing businesses and the attraction of new businesses will enhance the economic tax base of the County; afford high quality employment opportunities to Gadsden County citizens; and support the provision of public services, infrastructure, facilities, and capital improvements in Gadsden County; and that the achievement of economic development goals through the provision of grants to private enterprises for the expansion of existing businesses and the attraction of new businesses will protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose. In order to achieve this public purpose and support the need of private business to provide employment opportunities to the citizens of Gadsden County, and to assist in the maintenance of a stable economy, tax base, and standard of living, the Board hereby creates this Grant Program to award reasonable financial grants to private enterprises for the expansion of existing businesses, the attraction of new businesses, and the development of speculative space in order to attract new businesses.

Section 20-2. Economic Development Grant Program (Grant Program). The Gadsden County Economic Development Grant Program is established. This program shall be funded through appropriations from general revenue and/or other funding as may be authorized by the Board in its sole discretion.

Section 20-3. Definitions.

- A. Applicant means a business entity with a federal tax identification number that is authorized to do business in the State of Florida and Gadsden County that submits an application for a County Economic Development Grant pursuant to this Program.
- B. Application means an application for a County Economic Development Grant.
- C. Board means the Board of County Commissioners of Gadsden County, Florida.
- D. Confidentiality Provisions means the provisions of Section 288.075, Florida Statutes, regarding the confidentiality of information concerning an Applicant's plans, intentions, or interests to locate, relocate, or expand any of its business activities within the County.
- E. County means Gadsden County, a political subdivision of the State of Florida.

F. Full-Time Equivalent (FTE) Jobs means full-time equivalent positions, as defined by the Florida Department of Economic Opportunity for purposes of unemployment compensation, tax administration and employment estimation, resulting directly from a Project in the County. This term does not include temporary construction jobs involved in the construction of facilities for the Project.

G. Grant means an Economic Development Grant awarded pursuant to this Program.

H. Grant Agreement, or Agreement, means a written agreement between the County and the recipient of a County Economic Development Grant.

I. Program means the Gadsden County Economic Development Grant Program.

J. Project means the creation of a new business within Gadsden County, the relocation of a business from outside the County into the County, the expansion of an existing business within the County, or the development of Speculative Space in the County for industrial or office use.

K. Speculative Space means a shell building for industrial or office use.

L. Qualified Target Industry Program, or QTI Program, means the Florida Department of Economic Opportunity's Qualified Target Industry job creation Incentive program, in which it is customary for the local governmental entity to provide a participating financial match defined as local financial support, which generally represents 20 percent of the state-approved incentive amount, or due to location is eligible for local financial support exemption option of QTI Program authorized for Rural Community under Sec.288.106(2)(k), F.S.

M. Underutilized Business Zone means a specifically defined area to stimulate economic development and employment growth in distressed areas, including Community Redevelopment Areas, HUB Zones, Enterprise Zones, Brownfields and other similar areas created under federal, state or County designation.

N. GCDC means the Gadsden County Development Council, the 501c3 economic development organization designated by the county to implement and manage economic development incentive programs.

Section 20-4. Expenditure of Funds Authorized. The Board may expend County funds in order to provide Economic Development Grants to approved Applicants as an inducement for their location in or expansion within the County or for the development of Speculative Space.

Section 20-5. No Entitlement Created; County Discretion and Funding Availability.

A. Nothing herein shall require the Board to budget County funds for the purpose of providing Economic Development Grants to Applicants.

B. All Applications shall be considered on a case-by-case basis. Grants will be considered only as inducements to generate Projects that would otherwise not occur within the County. A Project will not be considered for a Grant pursuant to this Program if a building permit for new

construction has been issued, a contract for the purchase of an existing building has been executed, or a tenant lease has been executed.

C. Nothing herein or otherwise creates an entitlement of any kind to any Applicant to an Economic Development Grant of any size, amount or duration from the County. Nothing in the Program or otherwise creates a Grant preference or advantage for any particular Project over any other Project. Even though a Project may meet the criteria set forth in the Program, an Application may be denied at the sole discretion of the Board.

D. Nothing herein or otherwise shall be construed to obligate the County to award any Grant in any amount to any Applicant. The award of any Grant shall be at the Board's sole and absolute discretion upon consideration of a complete application and shall not be effective until such time that the written Grant Agreement has been executed by all parties. Any Grant awarded shall be subject to, as applicable, Section 125.045 and Chapter 288, Florida Statutes, and all other applicable federal, state, and local laws, ordinances, resolutions, requirements and policies, and shall be subject to availability of funds in the Grant Fund during the fiscal year in which any payment is to be made. The County shall have no obligation to make any payment under any grant award if funds are not appropriated or available in the Grant Fund in the budget adopted for any fiscal year.

#### Section 20-6. The Application.

A. An Applicant may apply for an Economic Development Grant by submitting an Application to the Gadsden County Development Council (GCDC) on a form provided by the GCDC to collect the Project information needed to evaluate the Applicant's eligibility for the Grant Program and the amount of the Grant that may be awarded by the County. In order to be eligible for an Economic Development Grant, the Applicant must be a business entity with a federal tax identification number. If the Applicant wishes to apply for state economic development incentives, such as the Qualified Target Industry Program, the Application shall include a general Project overview detailing sufficient Project parameters for the GCDC to evaluate the Applicant's eligibility for the state program.

B. If the GCDC or the Board determines that an Applicant knowingly provided false material information on the Application, the GCDC shall not process the Application any further, and any prior Board approval of the Application shall be nullified. If such determination is made, the Applicant will not be eligible for any future Economic Development Grant without the Board's consent.

C. An application fee and other charges may be required for processing the Application. The County Administrator shall establish an application fee and charge schedule by separate action, from time to time.

Section 20-7. Targeted Industries. To encourage new job creation and employment diversification and to enhance wealth generation in the County, the following targeted industry sectors have been determined to most likely provide the greatest opportunity to enhance the economic environment of Gadsden

County and, as such, will receive extra points in the evaluation of the Grant Application and potentially affect the calculation of a Grant award.

- A. Manufacturing (NAICS Codes 31-39)
- B. Wholesale Trade (NAICS Codes 41-43)
- C. Transportation and Warehousing (NAICS Codes 48-49)
- D. Information (NAICS Code 51)
- E. Construction, Mining, and Forestry, Commercial & Industrial Machinery and Equipment Rental and Leasing (NAICS 53)
- F. Professional, Scientific, and Technical Services (NAICS Code 54)

Section 20-8. Evaluation of Application; Points Schedule.

A. Applications shall be evaluated based on the following criteria and proposed Grant awards shall be calculated based on the accumulation of points upon review of the Application.

B. Expansion of Existing Business or Industry: An Applicant for a Grant in connection with the expansion of an existing business or industry located in Gadsden County shall be awarded points as follows:

1. An Applicant within a Target Industry Sector identified in Section 20-7 shall receive 2.0 points.

2. Points shall be awarded for Capital Investment in Gadsden County (Tangible Business Personal Property) as follows:

- a. New capital investment of \$10,000 - 50,000 1 point
- b. New capital investment of \$50,000 - 100,000 2 points
- c. New capital investment of \$100,001 - 500,000 3 points
- d. New capital investment of \$500,001 and up 4 points

3. Points shall be awarded for the construction of new facilities in Gadsden County as follows:

- a. New construction of up to 5,000 square feet 1 point
- b. New construction of 5,001 - 10,000 square feet 2 points
- c. New construction of 10,001 - 20,000 square feet 3 points
- d. New construction of 20,001 square feet or more 4 points

4. Points shall be awarded for the creation of new Full-time Equivalent Jobs in Gadsden County, as follows:

- a. Up to 5 new Full-time Equivalent employees 1 point
- b. 6 - 15 new Full-time Equivalent employees 2 points
- c. 16 - 30 new Full-time Equivalent employees 3 points
- d. Over 30 new Full-time Equivalent employees 4 points

5. Points shall be awarded for the payment of above-average wage rates for new Full-time Equivalent Jobs in Gadsden County, as follows:

- a. 100% - 114.9% of the County's average wage 1 point
- b. 115% -119.9% of the County's average wage 2 points
- c. 120% - 124.9% of the County's average wage 3 points
- d. 125% of the County's average wage or greater 4 points

6. Points shall be awarded for proximity to existing central potable water and sewer system lines as follows (both water and sewer lines must be available within the distances set forth below):

- a. ¼ of a mile or less 5 points
- b. greater than ¼ but no greater than ½ of a mile 2.5 points
- c. greater than ½ but no greater than 1 mile 1 point

7. An Applicant that will expand within the boundaries of an Underutilized Business Zone shall receive 2.0 points.

8. An Applicant for an Economic Development Grant for the expansion of an existing business or industry located in Gadsden County may be considered for a Grant award up to the following amounts based on the number of points received:

a. An Applicant that receives between 7.0 and 9.9 points may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of two years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 50% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for a period of two years as a result of the capital investment in the Project approved in the Application; and

III. Up to 25% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application.

b. An Applicant that receives between 10.0 and 12.9 points may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of three years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 50% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for a period of three

years as a result of the capital investment in the Project approved in the Application; and

III. Up to 50% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application.

c. An Applicant that receives 13.0 points or higher may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of four years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 50% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for a period of four years as a result of the capital investment in the Project approved in the Application; and

III. Up to 75% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application; and

IV. Up to 1% of the payroll taxes to be paid by the Grant recipient for a period of one year as a result of the new to Gadsden County FTE Jobs created as a result of the Project approved in the Application.

9. The Board may elect, in its sole and absolute discretion, to calculate the Grant award based on increased percentages of up to 100% of the general county portion of the additional ad valorem taxes to be paid by Grant recipient for the applicable time period as a result of the improvements made to the real property that is the site of the Project approved in the Application, and up to 75% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for the applicable time period as a result of the capital investment in the Project approved in the Application if an Applicant constructs, purchases or makes monetary contribution to the County for infrastructure improvements or public facilities associated with the Project approved in the Application.

C. Speculative Space: An Applicant for a Grant in connection with the construction of Speculative Space in Gadsden County shall be awarded points as follows:

1. Points shall be awarded based on the construction of new square footage available for occupancy as follows:

- |  |          |
|--|----------|
| a. New construction of 10,000 - 20,000 square feet | 1 point  |
| b. New construction of 20,001 - 50,000 square feet | 2 points |

- c. New construction of 50,001-100,000 square feet 3 points
- d. New construction of 100,001 square feet or more 4 points

2. An Applicant proposing the construction of new office or industrial facilities shall receive 2 points

3. An Applicant proposing to utilize land that has been vacant for five or more years shall receive 1 point

4. Points shall be awarded based on the proximity to existing central potable water and sewer system lines as follows (both water and sewer lines must be available within the distances set forth below):

- a. ¼ of a mile or less 5 points
- b. greater than ¼ but no greater than ½ of a mile 2.5 points
- c. greater than ½ but no greater than 1 mile 1 point

5. An Applicant that will locate or expand within the boundaries of an Underutilized Business Zone shall receive 2.0 points.

6. An Applicant for an Economic Development Grant for the construction of Speculative Space in Gadsden County may be considered for a Grant award up to the following amounts based on the number of points received:

a. An Applicant that receives between 5.0 and 8.9 points may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of two years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 25% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application.

b. An Applicant that receives 9.0 points or higher may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by Grant recipient for a period of four years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

III. Up to 50% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application.

7. The Board may elect, in its sole and absolute discretion, to calculate the Grant award based on increased percentages of up to 100% of the general county portion of the additional ad valorem taxes to be paid by Grant recipient for the applicable time period as a result of the improvements made to the real property that is the site of the Project approved in the Application, if an Applicant constructs, purchases or makes monetary contribution to the County for infrastructure improvements or public facilities associated with the Project approved in the Application.

D. New Business or Industry: An Applicant for a Grant in connection with the location of a new business or industry in Gadsden County or the relocation of an existing business or industry in Gadsden County shall be awarded points as follows:

1. An Applicant within a Targeted Industry Sector as defined in Section 20-7 shall receive 2.0 points.

2. Points shall be awarded for Capital Investment in Gadsden County (Tangible Business Personal Property) as follows:

- |   |          |
|---|----------|
| a. New capital investment of \$10,000 - 100,000       | 1 point  |
| b. New capital investment of \$100,001 - 1,000,000    | 2 points |
| c. New capital investment of \$1,000,001 - 10,000,000 | 3 points |
| d. New capital investment of \$10,000,001 and up      | 4 points |

3. Points shall be awarded for the construction of new facilities as follows:

- |   |          |
|---|----------|
| a. New construction of 10,000 - 25,000 square feet  | 1 point  |
| b. New construction of 25,001 - 50,000 square feet  | 2 points |
| c. New construction of 50,001 - 100,000 square feet | 3 points |
| d. New construction of 100,001 square feet or more  | 4 points |

4. Points shall be awarded for the creation of new Full-time Equivalent Jobs in Gadsden County as follows:

- |   |          |
|---|----------|
| a. 5- 29 new Full-time Equivalent employees       | 1 point  |
| b. 30 -69 new Full-time Equivalent employees      | 2 points |
| C. 70- 99 new Full-time Equivalent employees      | 3 points |
| d. 100 or more new Full-time Equivalent employees | 4 points |

5. Points shall be awarded for the payment of above-average wages for New Full-time Equivalent Jobs in Gadsden County as follows:

- |   |          |
|---|----------|
| a. 100% -114.9% of the County's average wage    | 1 point  |
| b. 115%- 119.9% of the County's average wage    | 2 points |
| c. 120%- 124.9% of the County's average wage    | 3 points |
| d. 125% of the County's average wage or greater | 4 points |

6. Points shall be awarded for proximity to existing central potable water and sewer system lines as follows (both water and sewer lines must be available within the distances set forth below):

- a.  $\frac{1}{4}$  of a mile or less 5 points
- b. greater than  $\frac{1}{4}$  but no greater than  $\frac{1}{2}$  of a mile 2.5 points
- c. greater than  $\frac{1}{2}$  but no greater than 1 mile 1 point

7. An Applicant that will locate within the boundaries of an Underutilized Business Zone shall receive 2 points.

8. An Applicant that is within a Targeted Industry Sector and that is owned in whole or in part by a County resident shall receive 1 point.

9. An Applicant for an Economic Development Grant for a new business or industry locating in Gadsden County or an existing business or industry relocating in Gadsden County may be considered for a Grant award up to the following amounts based on the number of points received:

a. An Applicant that receives between 8.0 and 12.9 points may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of two years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 50% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for a period of two years as a result of the capital investment in the Project approved in the Application; and

III. Up to 25% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application.

b. An Applicant that receives 13.0 points or higher may be considered for an Economic Development Grant in an amount to be calculated as follows:

I. Up to 75% of the general county portion of the additional ad valorem taxes to be paid by the Grant recipient for a period of four years as a result of the improvements made to the real property that is the site of the Project approved in the Application; and

II. Up to 50% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for a period of four

years as a result of the capital investment in the Project approved in the Application; and

III. Up to 75% of the infrastructure fees (roads, utilities) to be paid by the Grant recipient as a result of the Project approved in the Application; and

IV. Up to 1% of the payroll taxes to be paid by the Grant recipient for a period of one year as a result of the new to Gadsden County FTE Jobs created as a result of the Project approved in the Application.

10. The Board may elect, in its sole and absolute discretion, to calculate the Grant award based on increased percentages of up to 100% of the general county portion of the additional ad valorem taxes to be paid by Grant recipient for the applicable time period as a result of the improvements made to the real property that is the site of the Project approved in the Application, and up to 75% of the general county portion of the tangible personal property taxes to be paid by the Grant recipient for the applicable time period as a result of the capital investment in the Project approved in the Application if an Applicant constructs, purchases or makes monetary contribution to the County for infrastructure improvements or public facilities associated with the Project approved in the Application.

E. Any Grant award calculated in part based on a percentage of the general county portion of the additional ad valorem taxes to be paid by a Grant recipient for a period of time as a result of the improvements made to the real property that is the site of the Project approved in the Application shall apply only to the general county portion of taxes paid by the Grant recipient. The amount shall not be calculated based on a percentage of the total value of the property, but shall be calculated based on a percentage of the increase in value of the subject property as a result of the improvements.

F. An Applicant that is awarded an Economic Development Grant shall be eligible for expedited permit review, as practicable, and application assistance for other State or County incentives.

G. Any Economic Development Grant awarded by the Board shall be payable in equal installments over a time period to be determined by the Board in its sole discretion, but no longer than seven (7) years. Grant recipients shall only be eligible to apply for a scheduled installment at the end of each calendar year in which the Grant recipient is fully operational and has met all criteria of this Code and the Grant Agreement for that calendar year.

#### Section 20-9. Application Review and Report.

A. In determining whether to recommend that the Board award an Applicant an Economic Development Grant, the GCDC will consider the number of points accumulated by the Applicant and whether the Project meets the standards set forth in the Program guidelines and the Project's fiscal, community, and employment impact on the County. The GCDC shall perform a cost/benefit analysis to determine the return on public investment based on the recommended

Grant award for a Project. If the GCDC determines that more information is needed in order to make a recommendation, it may request that the Applicant supplement the Application with additional information.

B. The GCDC shall review all Applications. If the GCDC determines that the Project meets the criteria for Grant consideration set forth in the Program guidelines, the GCDC shall submit a report to the Board. The report shall make written findings of fact that compare the Application with applicable portions of the Program and shall contain the GCDC's recommendation with respect to whether the Application should be approved and the amount and terms of the recommended Grant award.

C. If the GCDC determines that a Project does not meet the criteria for Grant consideration based on the information provided in the Application, the GCDC will provide the Applicant with a copy of the points tabulation showing that the Applicant did not accumulate enough points to qualify for a Grant award. The GCDC shall submit a copy of the points tabulation to the Board as a non-action item.

D. If the Confidentiality Provisions have been requested by an Applicant, the GCDC's report shall not contain information that would expressly identify the Applicant or disclose the Applicant's interest in expanding, locating, relocating or developing Speculative Space within the County. Except as otherwise provided herein, the GCDC shall not release or disclose the report to anyone other than the Applicant unless:

1. The GCDC receives a written request from the Applicant to release the report to the Board;
2. The Application and report are no longer exempt from disclosure under the provisions of Section 288.075, Florida Statutes; or
3. Disclosure of the Application or report is ordered by a court of competent jurisdiction or by any other state or Federal agency authorized under Florida law to order the disclosure of confidential information.

E. If the Confidentiality Provisions have been requested by an Applicant, the GCDC shall inform each Board member separately and individually of the identity of the Applicant prior to any Board action being taken so that the Board member can determine whether a conflict of interest exists with respect to the Applicant. A Board member that receives information regarding the identity of an Applicant who has requested the Confidentiality Provisions shall not release or disclose any information regarding the Application, except as provided in 20-9 D.

#### Section 20-10. Board of County Commissioners Meeting.

A. Upon completing a report pursuant to Section 20-9 and, when necessary, obtaining a written request for release of the report from the Applicant, the GCDC shall provide copies of the report to the Board and to the Applicant and shall place the report on the Board meeting agenda. The

GCDC shall provide the Applicant with at least seven days advance notice of the time and place of the Board meeting.

B. During the Board meeting, the Board shall take action to either deny the Application, instruct the GCDC to prepare a Grant Agreement between the County and the Applicant for the Board's future consideration, or continue its consideration of the Application to a date certain. The Board's decision on whether to enter into a Grant Agreement with an Applicant is a legislative decision and shall be at the Board's sole and absolute discretion. In making this decision, the Board may consider the GCDC's recommendation, the Program guidelines, the Project's Impact on the County, and any other relevant factors as determined by the Board in the Board's sole discretion. Nothing herein or in the Program guidelines shall create an entitlement on the part of an Applicant for the receipt of a Grant, regardless of the number of points accumulated.

C. If the Board accepts the GCDC's recommendation to approve an Applicant for a Grant, the Board shall provide the GCDC with sufficient guidance to prepare a Grant Agreement. The Grant Agreement shall not disclose any information that is required to be kept confidential pursuant to state law.

Section 20-11. The Grant Agreement. Upon the Board's approval of an Application, the GCDC, through the office of the County Attorney, shall prepare a Grant Agreement between the Applicant and the County. The completed Grant Agreement shall accurately reflect any instructions or guidance provided by the Board at the time the Application was accepted by the Board. The GCDC shall bring the Agreement back to the Board for consideration within a reasonable time after completion.

Section 20-12. Consideration of Grant Agreement.

A. The Board may consider the Grant Agreement as part of its regular agenda.

B. Upon approval of a Grant Agreement by the Board, the GCDC shall notify the Applicant of the Board's approval. The Board Chairperson shall be authorized to execute two copies of the Grant Agreement on behalf of the County. The GCDC shall forward both copies of the partially executed Agreement to the Applicant. The Applicant shall execute both copies and deliver one copy of the approved Grant Agreement to the GCDC within the time provided in the Grant Agreement. The Applicant shall retain the other executed copy for its records.

C. If the Applicant needs additional time to execute the Agreement, it may request an extension from the GCDC. The GCDC may approve a single extension of up to 30 days. Additional extensions, or an extension of more than 30 days, shall require Board approval. If the Grant recipient fails to execute the Grant Agreement within the time provided, including any extension, the Grant offer shall be automatically revoked and rescinded. If a Grant offer is revoked and rescinded due to the Applicant's failure to timely execute the Grant Agreement, the Applicant may not apply for another Grant for one calendar year after the date the offer is revoked and rescinded. Nothing herein shall create an obligation on the part of the Board to approve an Application that was previously revoked or rescinded pursuant to this subsection or for the GCDC to recommend approval of any such Application.

Section 20-13. Expedited Permitting and Development Order Processing. Upon request of a Grant recipient, the County Administrator may direct staff to expedite, to the extent practicable, the County's permitting and development order process for Projects to which the Grant applies during the term of the Agreement. However, nothing in this section shall create an obligation on the part of the County Administrator to expedite any County process for a Grant recipient.

Section 20-14. Annual Application for Grant Payment.

A. An annual application for Grant payment is required. No Grant payment shall be made during any County Fiscal Year until the Grant recipient submits an application for the scheduled Grant payment and the claim is approved by the GCDC in the manner set forth in this section.

B. A Grant recipient may submit an application for a scheduled Grant payment to the GCDC once during each County Fiscal Year. The application for each fiscal year's scheduled Grant payment shall be made on or after the date specified in the Grant Agreement.

C. The claim for a scheduled Grant payment shall include documentation of the achievement of each performance measure set forth in the Grant Agreement, including copies of all receipts and any other relevant data. No Grant payment shall be approved by the GCDC and made by the County unless the Grant recipient is fully operational and has met the criteria of this Code and all other applicable law and the performance measures set forth in the Grant Agreement.

D. Upon receiving a claim for a scheduled Grant payment, the GCDC shall conduct an appropriate evaluation to confirm that the Grant recipient is fully operational and has met and complied with the Code and all other applicable laws and the conditions of the Grant Agreement, and that the Board has appropriated the necessary funds to make the payment. If the Grant recipient is fully operational and has met and complied with the Code and all other applicable laws and the conditions of the Grant Agreement, the County Administrator shall approve the scheduled Grant payment if the Board has appropriated funds sufficient to make the scheduled payment. The County shall have no obligation to make any payment under any Grant award if funds are not appropriated or available in the Grant Fund in the budget adopted for any fiscal year.

E. The County shall not issue a Grant payment for any Fiscal Year before the Grant recipient has paid its ad valorem tax, tangible personal property tax, and all applicable County fees relating to the Project for that fiscal year. The amount paid by the County as a Grant payment may not exceed the amount of the increase in the general county portion of ad valorem and tangible personal property taxes paid by the Grant recipient during the County Fiscal Year. The payout of the grant amount will be pro-rated over the term of the Grant Agreement. Any Grant awarded shall be payable, upon application by the Grant recipient, in equal installments over a time period to be determined by the Board in its sole discretion, but no longer than seven (7) years.

F. If the Grant recipient does not file an application for a scheduled Grant payment within one year of the time provided in the Grant Agreement, any application submitted thereafter shall be

untimely. Only the Board may consider and approve an untimely application for a scheduled Grant payment upon written request of the Grant recipient. A Grant recipient may not receive payment for more than one untimely submitted application during the term of the Grant Agreement. Nothing in this subsection shall create any obligation on the part of the Board to approve an untimely claim for a scheduled Grant payment.

G. A Grant recipient shall lose the ability to receive a scheduled Grant payment if:

1. The Grant recipient does not apply for the scheduled Grant payment within one year of the time required by the Grant Agreement, except as provided in subsection 20-14 F; and
2. The Grant recipient does not submit a written request to the Board for payment of an untimely submitted claim or the Board denies the written request for payment of an untimely claim. Unclaimed Grant funds will be released to the County's general fund to be used for any lawful purpose. Notwithstanding the foregoing, a Grant recipient's inability to collect a Grant payment in one fiscal year shall not cause the Grant recipient to lose the ability to collect Grant payments in subsequent fiscal years, if such payments are provided for in the Grant Agreement.

## **NOTICE OF INTENT: PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to all concerned that the Board of County Commissioners of Gadsden County, Florida, intends, at a regular meeting, at the Gadsden County Governmental Complex, 9-B East Jefferson Street, Quincy, Florida, at 6:00 p.m. on the 3rd day of May, 2016, to consider adoption of an ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA RELATING TO ECONOMIC DEVELOPMENT; ESTABLISHING AN ECONOMIC DEVELOPMENT GRANT PROGRAM; SETTING FORTH APPLICATION REQUIREMENTS AND EVALUATION CRITERIA; PROVIDING FOR GRANT AGREEMENTS WITH RECIPIENTS; PROVIDING PROCEDURES AND REQUIREMENTS FOR RECEIPT OF SCHEDULED GRANT PAYMENTS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THIS MATTER, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MUST ASSURE THAT A VERBATIM RECORDING OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

The proposed ordinance is available for public inspection at the Office of the Clerk, Gadsden County Courthouse, 10 E. Jefferson St., Quincy, Florida, and on the County website at [gadsdencountyfl.gov](http://gadsdencountyfl.gov).

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons needing assistance in obtaining any information from the County on attending the public hearing must contact the Gadsden County Administrator's Office, 1B E. Jefferson Street, Quincy, Florida, (850) 875-8650, at least 48 hours prior to the hearing; if you are hearing or voice impaired, call 711.**

BOARD OF COUNTY COMMISSIONERS OF  
GADSDEN COUNTY, FLORIDA

By: \_\_\_\_\_  
Nicholas Thomas, Clerk

Published one time  
April 21, 2016  
Gadsden County Times  
Havana Herald  
Twin City News

# The Florida Senate

## 2015 Florida Statutes

<u>Title XXIII</u> MOTOR VEHICLES	<u>Chapter 318</u> DISPOSITION OF TRAFFIC INFRACTIONS  <u>Entire Chapter</u>	<b>SECTION 1215</b> <b>Dori Slosberg Driver Education Safety Act.</b>
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**318.1215 Dori Slosberg Driver Education Safety Act.**— Notwithstanding the provisions of s. [318.121](#), a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$5 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student’s time in the program be behind-the-wheel training. This section may be cited as the “Dori Slosberg Driver Education Safety Act.”

**History.**—s. 98, ch. 2002-20; s. 10, ch. 2005-164; s. 49, ch. 2006-290.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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