

AN ORDINANCE TO BE ENTITLED

**AN ACT BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS SUPERSEDING AND REPLACING ORDINANCE NOS. 95-01 AND 96-05 RELATING TO ECONOMIC DEVELOPMENT INCENTIVES WITH THE NEW "PASCO COUNTY TARGET BUSINESS INCENTIVE ORDINANCE"; PROVIDING FOR REPEALER, SEVERABILITY, APPLICABILITY, INCLUSION INTO THE PASCO COUNTY CODE OF ORDINANCES, MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND FOR AN EFFECTIVE DATE.**

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

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

**WHEREAS**, on June 27, 2006, the Board adopted a new Comprehensive Plan that requires, at Policy ED 1.2.2, that by December, 2006, Pasco County shall coordinate with the Pasco Economic Development Council (PEDC) to revise the Economic Development Incentive Ordinance enacted in January, 1995, and amended in February, 1996, to facilitate the attraction of targeted businesses to locate in Pasco that includes the review and analysis of:

- a. Revisions to criteria for the use of incentives for qualified businesses to establish the value of the new average annual wage for these employers to be at least 125% of Pasco Average Wage as published by Enterprise Florida, Inc.; and
- b. Exclude hotel/motel development and to exclude a regional mall or factory outlet mall from the list of qualified businesses.

The PEDC will work with Pasco County to propose additional incentives to the Board of County Commissioners to be included within the Ordinance, including the review and analysis of:

- a. Expedited permitting for Target Industries;
- b. The establishment of standing pre-application meetings;
- c. Special DRC meetings, if necessary, to accommodate expedited review processes; and
- d. Revisions to the Land Development Code to facilitate office development, including a review of current height limitations.

**WHEREAS**, the Board desires to supersede and replace Ordinance Nos. 95-01 and Ordinance 96-05 with a new “Pasco County Target Business Incentive Ordinance.”

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

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as and may be cited as the “Pasco County Target Business Incentive Ordinance.”

**SECTION 2. FINDING OF FACTS AND PURPOSE.**

1. It is the intent of the Pasco County Board of County Commissioners to establish and further a sound business and industrial tax base in Pasco County and which tax base will benefit all residents in Pasco County by better redistributing the burden of taxes. This is accomplished by attracting targeted industries or businesses to locate within the County and through expansion of certain existing target industries or businesses. This is further accomplished by attracting those industries or businesses that pay greater than the annual average wage to locate or expand in the County.

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

### **SECTION 3. DEFINITIONS.**

As used in this Section:

*Above Annual Average Wage* means one hundred twenty-five (125%) percent or greater of the Annual Average Wage for Pasco County.

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

*Building Permit Fees* are those fees charged by Pasco County for construction, erection, modification, repair and demolition activities within the county which are governed under the Florida Building Code and charged pursuant to §553.80, Florida Statutes, and Chapter 18 of the Pasco County Code of Ordinances.

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

*Impact Fees* are all applicable fees, including fees for transportation, fire combat and rescue services, and water and sewer, charged by Pasco County relating to new development and redevelopment activities within the County and charged pursuant to County Ordinances.

*The Pasco Economic Development Council* is a non-profit corporation within Pasco County under contract to the Board of County Commissioners and is responsible for promoting and furthering business and economic development within the County including, without limitation, engaging in marketing, advertising, promotional and other efforts to attract new businesses and industries to locate within the County, and further engaging in such efforts to encourage existing business and industries located within the county to expand, and further

engaging in such efforts to improve the County's industrial and business property tax base, and further engaging in such efforts which further the creation of new jobs within the County which pay greater than the Annual Average Wage for Pasco County.

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

*Qualified Target Industry* (QTI), as defined by the State, are those businesses or industries serving multi-state and/or international markets and that are able to create new jobs at greater than the Annual Average Wage for Pasco County (and specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation) and which have been further approved by the state as a QTI pursuant to section 288.106, Florida Statutes. Examples of QTI's include: manufacturing facilities; finance and insurance services to include non-depository credit institutions, securities, commodity contract, insurance carriers, funds, trusts and other financial vehicles; wholesale trade; information industries; professional, scientific and technical services; management services such as national, international and regional headquarters; and administrative and support services such as customer care centers and credit bureaus.

*Primary Target Industry* (PTI) are those new or existing businesses or industries that sell at least 51% of their product or services outside of Pasco County; and pay at least 125% of the Annual Average Wage for Pasco County (and specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation) and which have been certified as a PTI by the Pasco Economic Development Council. Examples of PTI's include: clean manufacturing facilities; finance and insurance services to include non-depository credit institutions, securities, commodity contract, insurance carriers, funds, trusts and other financial vehicles; wholesale trade; information industries; professional, scientific and technical

services; management services such as national, international and regional headquarters; and administrative and support services such as customer care centers and credit bureaus. In determining whether a business or industry initially qualifies as a PTI, a representative of the Pasco Economic Development Council shall be guided by whether said business or industry is listed in the list of target industries prepared by Enterprise Florida, Inc. in connection with the QTI program and also in the local Target Industry List as approved from the PEDC and updated from time to time.

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

#### **SECTION 4. GENERAL AUTHORITY.**

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

#### **SECTION 5. INCENTIVES FOR ATTRACTING TARGETED BUSINESSES WITHIN THE COUNTY.**

1. *Incentives Relating to Building Permit Fees.*

A. Target Businesses that have been certified by the PEDC and which through new development or expansion create at least ten (10) new full-time jobs within the County, and the average annual wage for all Pasco based employees of the company must be equal to or greater than 125% of the Pasco County average wage will be eligible to have all of its building permit fees deferred for five (5) years, and at the end of the deferral period, the County will forego and forgive all building permit fees providing the Target Business still meets all of the original eligibility requirements for a Target Business (at the County's option, the requirements will be specified in a Economic Development Agreement between the Target Business and the County). Target Businesses are encouraged to employ Pasco County residents.

B. In the event the Target Business closes its business, moves out of the County, or loses its status as a Target Business at any time during the five-year deferral period, the Target Business will be required to pay to the County all building permit fees which have been deferred, plus interest at the rate of prime plus one. As a condition for receiving the deferral of building permit fees, the Target Business and the landowner as may be appropriate, will execute the appropriate covenants in favor of the County to enable the County to enforce the restrictions and conditions in this section. The covenants described in this section shall, at the County's option, be part of the economic development agreement described above, and shall be recorded against the subject property in the public records of the County.

2. *Incentives Relating to Impact Fees.*

A. Target Businesses that have been certified by the PEDC and which, through new development or expansion, create at least ten (10) new full-time jobs within the County, and the average annual wage for all Pasco based employees of the company must be equal to or greater than 125% of the Pasco County average wage will be eligible to have all of its impact fees deferred for five (5) years, subject to the cap in subsection (B) below, and at the end of the deferral period, the County will forego and forgive all deferred impact fees providing the Target Business still meets all of the original eligibility requirements for a Target Business (at the County's option, the requirements will be specified in a economic development agreement between the Target Business and the County). Target Businesses are encouraged to employ Pasco County residents.

B. Notwithstanding anything to the contrary, the total amount of impact fees deferred under Section 2.A. above shall be capped at, and not exceed, seventy-five thousand (\$75,000.00) dollars for each eligible Target Business, any exceptions will be reviewed by the County Administrator and presented to the Board of County Commissioners for consideration. This cap shall apply to each Target Business and is not intended as a cumulative cap where there are two (2) or more eligible Target Businesses in any given year. In the event that an

eligible Target Business has impact fees in excess of seventy-five thousand (\$75,000.00) dollars, said Target Business shall be required to pay to the County all impact fees calculated in excess of seventy-five thousand (\$75,000.00) dollars ("excess fees paid"); however, providing said Target Business remains in full compliance with the terms of this Section and with such economic development agreement as required by the County, then beginning at the end of year one(1) , and each year thereafter, the County will refund said Target Business in an amount equal to twenty (20%) percent of the excess fees paid until said Target Business has received all of its excess fees paid refunded in full (refunding being prorated over a five-year period from the completion of years 1 through 5) Funds necessary to replace the impact fees deferred and/or refunded in any given fiscal year shall be replaced by the County from any lawful funds other than impact fees.

C. In the event the Target Business closes its business, moves out of Pasco County, or loses its status as a Target Business at any time during the five-year deferral period, the Target Business will be required to pay to the County all impact fees which have been deferred and/or refunded, plus interest at the rate of prime plus one As a condition for receiving the deferral and/or refund of impact fees, the Target Business, and the landowner, as may be appropriate, will execute the appropriate covenants in favor of the County to enable the County to enforce the restrictions and conditions in this Section. The covenants described in this Section shall, at the County's option, be part of the economic development agreement described above, and shall be recorded in the public records in the County.

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

4. *Incentives Non-Exclusive.* The incentives in this section are not exclusive and eligible Target Businesses may apply for as many incentives as they qualify for in this Section or

other provisions of the Code, or as otherwise approved by the Board of County Commissioners, which may include waiver of land development code or code of ordinance provisions. Further, the incentives in this Section do not preclude an industry or business from applying or qualifying for or participating in other federal, state or local programs.

## **SECTION 6. APPLICATION FOR ECONOMIC DEVELOPMENT INCENTIVES**

The Board of County Commissioners hereby authorizes the Pasco Economic Development Council to administer the economic development incentive process with the following stipulations:

1. Applications to the process are required and are available from the Pasco Economic Development Council and the application will consist of, but not be limited to, the following:

- a. Company profile and background (type of business);
- b. Function of the company;
- c. Location of the project;
- d. Total acreage of site;
- e. Approximate size, square footage (enclosed under-roof building structure);
- f. Employment (current and projected new);
- g. Total number of full time employees;
- h. Number of all full time workers to include Executive/Management; Professional; Skilled; Semi-Skilled; Unskilled workers; and Sales;
- i. Average wage of all workers to include Executive/Management; Professional; Skilled; Semi-Skilled; Unskilled workers; and Sales;
- j. Estimated Pasco County utilities usage;
- k. Estimated Pasco County impact fees; and
- l. Disclosure of environmental impacts.
- m. Estimated Pasco County building fees.

B. Applications will be submitted through the Pasco Economic Development Council for consideration by the Business Incentive Commission (BIC). In order to be eligible for any incentives pursuant to this ordinance, application must be received by the Pasco Economic Development Council within sixty (60) days after issuance of a certificate of occupancy. The Pasco Economic Development Council will coordinate with the County Administrator, or his designee, to perform an economic analysis and cost benefit analysis or other acceptable analysis techniques and comprehensive plan compliance review so the Business Incentive Commission can make a recommendation of the type of incentive or incentive package and the amount of award to be offered.

C. After the Pasco Economic Development Council receives a complete application, the BIC's recommendation will be determined within four (4) weeks. The BIC's recommendation will be presented by the Pasco Economic Development Council to the Board of County Commissioners for approval. This presentation will be no later than the second subsequent Board of County Commissioners' meeting following the BIC's decision.

D. The Business Incentive Commission will consist of seven (7) individuals whose companies are investors in the Pasco Economic Development Council representing the following business segments:

- a. Banking (1);
- b. Accounting (1);
- c. Development (1);
- d. Manufacturing (1);
- e. Investors not employed in previously identified business segments (3).

The County Administrator, or his designee, and the Pasco Economic Development Council will each have one (1) non-voting representative who acts as technical advisor to the BIC. The BIC members will be nominated by the Pasco Economic Development Council and

approved by the Board of County Commissioners. Term of the individuals will be three (3) years.

**SECTION 7. REPEALER.**

All provisions of the Code of Ordinances of Pasco County, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict. Specifically, this ordinance supersedes and replaces ordinance nos. 95-01 and 96-05 and Chapter 22, Article II, of the Pasco County Code of Ordinances.

**SECTION 8. SEVERABILITY.**

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

**SECTION 9. APPLICABILITY.**

This Ordinance shall apply to eligible Target Businesses for which a building permit has not been issued. For businesses which have been issued a building permit, Ordinance No. 95-01, as amended by Ordinance No. 96-05, shall apply.

**SECTION 10. INCLUSION INTO THE CODE.**

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

**SECTION 11. MODIFICATION.**

It is the intent of the Board of County Commissioners 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 to the Board pursuant to Section 12.

**SECTION 12. EFFECTIVE DATE.**

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

ADOPTED this 25th day of September, 2007.

( S E A L )

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
JED PITTMAN, CLERK

\_\_\_\_\_  
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
OFFICE OF THE PASCO COUNTY ATTORNEY

BY: \_\_\_\_\_  
County Attorney