

ORDINANCE NO. 2003- 45

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-47 WHICH CREATED A BUSINESS INCENTIVE PROGRAM; THIS AMENDMENT MAKES FINDINGS OF FACT; AMENDS SECTIONS 7, 8, 11 AND 12 OF THE ORDINANCE WHICH ARE THE SECTIONS TITLED "CREATION OF THE COUNTY'S PUBLIC ECONOMIC DEVELOPMENT AGENCY", "THE APPLICATION", "THE GRANT AGREEMENT", AND "APPROVAL AND EXECUTION OF GRANT AGREEMENT" RESPECTIVELY; PROVIDES A NEW SECTION 16 WHICH ADDRESSES SEVERABILITY; SUBSTITUTES A NEW EXHIBIT "B" FOR EXISTING EXHIBIT "B"; SUBSTITUTES A NEW EXHIBIT "C" FOR EXISTING EXHIBIT "C"; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (Board), passed and enacted on September 17, 2002, St. Johns County Ordinance 2002-47, which created a Business Incentive Program for Identifying and/or Targeting certain businesses and industries that might wish to start or expand in St. Johns County, or re-locate to St. Johns County; and

WHEREAS, St. Johns County Ordinance 2002-47 was enacted in reliance on Section 288.075, Florida Statutes; and

WHEREAS, St. Johns County Ordinance 2002-47, as part of the Business Incentive Program also created a Public Economic Development Agency in order to evaluate businesses and industries that wish to participate in the St. Johns County (County), Business Incentive Program; and

WHEREAS, the Public Economic Development Agency has previously evaluated at least one business and industry that wished to participate in the County Business Incentive Program; and

WHEREAS, during the evaluation process, by the Public Economic Development Agency, and the subsequent consideration by the Board of the business and industry that wished to participate in the County Business Incentive Program, certain procedural and substantive provisions/elements of County Ordinance 2002-47 were identified for revision and/or clarification.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida (the "Board") as follows:

Section 1. Findings of Fact.

The above-referenced Recitals are incorporated herein as Findings of Fact.

Section 2. Amendment to Section 7 of County Ordinance 2002-47.

Section 7 of County Ordinance 2002-47 is amended to read as follows:

Section 7. Creation of the County's Public Economic Development Agency.

- A) The Board of County Commissioners (the "Board") hereby creates the public economic development agency that is defined in Section 288.075, Florida Statutes, (the "Public Agency"). The sole purpose of the Public Agency is to encourage the creation, expansion, and relocation of targeted businesses and targeted industries within the County, or to the County. The Public Agency shall not possess any power or authority pertaining to land acquisition, to land use, to issuance of development orders or permits. Further, the Public Agency shall not have any power or authority to expend or recommend the expenditure of County funds. The Public Agency shall have no funds of its own.

- B) The Public Agency shall consist of three current County staff members. One member of the Public Agency shall be the then current county administrator of St. Johns County, Florida, unless circumstances warrant that the county administrator should be removed or replaced on the Public Agency on either a temporary or permanent basis by the Board. The circumstances warranting a temporary replacement or permanent removal of the county administrator from the Public Agency, include, but are not limited to: conflict of interest, prolonged absence due to injury, illness, or other medical condition, or other circumstance that would affect the ability of the county administrator to serve as a member of the Public Agency or as county administrator of St. Johns County. The other members of the Agency shall be the County Director of Intergovernmental Affairs, and the County Special Projects Manager. The other members of the Agency shall serve at the will of the Board, and such other members of the Agency may be removed by motion(s) of the Board. The county administrator, or the person replacing the county administrator shall be the chairperson of the Public Agency. The county attorney shall represent and provide legal counsel to the Public Agency. However, the county attorney may delegate such responsibility, and appoint a deputy county attorney, or assistant county attorney to represent and provide legal counsel to the Public Agency. The County Administrator shall provide such other staff support as is

reasonably necessary for the Public Agency to carry out its proper functions.

- C) County staff shall, upon the direction of the County Administrator, serve as staff for the Public Agency. The County Administrator is directed to provide County facilities, equipment and supplies for the use by the Public Agency, and the County Administrator may approve the expenditure of County funds that are necessary to pay for any legal advertisements and notices that the Public Agency may need. All papers, documents or records of the Public Agency that are in the possession of its members, attorney or staff, shall belong to the Public Agency. Neither the Public Agency, or its members, attorney, or staff, when acting on behalf of the Public Agency, shall offer advice of any kind, or make recommendations of any sort, to the Board of County Commissioners, or to other County employees or agents, other than to request County facilities, equipment and supplies for the Public Agency's use, and publication of, and/or payment for, necessary legal ads and notices.
- D) The prohibitions contained in this Section shall not prevent the members, attorney, and staff of the Public Agency from performing their duties as County employees when they are not using information they received, or the results of discussions that they held, in their capacity as Public Agency members, and/or Public Agency attorney, or staff and when they are not acting on behalf of the Public Agency.
- E) Nothing in Ordinance 2002-47, as amended, shall be deemed to prevent the County Administrator from confirming the information described in Section 288.075(4), Florida Statutes. (See also section 12(B) of Ordinance 2002-47, as amended.)
- F) Present and former members, attorneys, and staff of the Public Agency shall not disclose any information that the Public Agency, or any above-referenced person received in their capacity as Public Agency members, attorney, or Public Agency staff unless:
 - 1. the confidentiality provisions of Section 288.075(2), do not apply to such information;
 - 2. or the confidentiality provisions of Section 288.075(2) Florida Statutes, no longer apply to such information; or
 - 3. the person or entity that requested Section 288.075(2), Florida Statute confidentiality subsequently authorizes or requests that the information be disclosed; or

4. disclosure of the information is required or authorized by this Ordinance, as amended from time to time; or
5. disclosure of the information is ordered, required, or requested by a court of competent jurisdiction; or
6. disclosure of the information to a State Attorney, or Florida or Federal certified law enforcement officer, if such member, attorney, or certified law enforcement officer certifies, in writing, that he or she reasonably believes that such information will disclose a crime, or prevent a crime; or
7. the Board of County Commissioners determines that the disclosure of such information is necessary to protect the health, safety, and welfare interests of the County.

G) In the event that a Florida or Federal agency or department orders, requires, or requests the Public Agency, the Board, or the applicant to disclose information that is confidential pursuant to County Ordinance 2002-47, as amended from time to time, the applicant must disclose and/or provide such information to the appropriate Florida or Federal agency or department, or receive subsequent notice from the Florida or Federal agency that such disclosure and/or provision to the appropriate Florida or Federal agency or department is not required, or is exempted by force of law, statute, rule, or regulation. Once the applicant is ordered, required, or requested by a Florida or Federal agency or department to disclose and/or provide such information, then the applicant must notify the Public Agency of such order, requirement, or request, unless the Public Agency, or the Board first received the order, requirement, or request, in which case, the Public Agency, or the Board will forward the order, requirement, or request to disclose to the applicant. Further, the applicant must notify the Public Agency of the ultimate disposition of such order, requirement, or request for such information. If the applicant does not disclose and/or provide such information to the appropriate Florida or Federal agency or department, or receive subsequent notice that such disclosure and/or provision to the appropriate Florida or Federal agency or department is not required, or exempted by force of law, statute, rule, or regulation, then the applicant's Application will not be processed any further by the Agency, and the applicant will not be eligible for a grant payment.

H) It is expressly noted that even in those situations in which the applicant requests Section 288.075(2), Florida Statute confidentiality, the Board shall be provided with the name of the applicant, prior to any Board vote on whether the applicant should receive a Grant Payment, in order to determine whether one or more of the Board members has a conflict, under Florida or Federal law that would prevent one or more of the Board members from participating in the discussion or vote on the Application

and Grant Payment. This exemption from the confidentiality provisions of Section 288.075(2), Florida Statutes, is for the above expressed purpose. As such, the members of the Board shall not disclose the applicant's name to any other person.

Section 3. Amendment to Section 8 of County Ordinance 2002-47.

Section 8 of County Ordinance 2002-47 is amended to read as follows:

Section 8. The Application.

A) A targeted business or industry may apply for an economic development grant from the County by submitting an application for a St. Johns County economic development grant (the "Application"), in substantially the form attached hereto as Exhibit C, to the Public Agency. The Application shall include, but is not limited to the following information:

1. The applicant's name, federal employer identification number, and the applicant's state sales tax registration number.
2. The permanent location in the County at which the applicant's Project is located or is to be located.
3. A description of the Project, and the type of business activity or product covered by the Project, including four-digit SIC codes for all activities included in the Project.
4. The number of Full-time Equivalent Jobs that are or will be provided in the County as a result of the Project; a time schedule for when such jobs will be in place; and the average wages 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 employees currently employed by the applicant in the County.
6. The total number of full-time employees that will be employed by the applicant in the County when the Project is completed.
7. The anticipated commencement and ending dates of the Project.
8. The total amount of the economic development grant that is requested; the County fiscal years and the grant payment amounts during each County fiscal year that the applicant proposes to be paid; and the portions or items in the Program that the applicant believes supports each annual grant payment.

9. A brief statement concerning the role that the County's economic development grant will play in the decision of the applicant to locate or expand its business in the County.
10. Optional: A request by the applicant that the records of the Public Agency which contain or would provide information concerning plans, intentions, or interests of the applicant to locate, relocate, or expand any of its business activities in St. Johns County be kept confidential to the extent, and in the manner allowed, by Section 288.075, Florida Statutes, with the exception that any specific such record(s) of the Public Agency may be released to the Board of County Commissioners and to the public upon the written request(s) or authorization(s) to the Public Agency by the applicant and/or upon the occurrence of any event that is set forth in County Ordinance 2002-47, as amended from time to time, that allows, authorizes,, or requires such release or disclosure. If the Section 288.075, Florida Statutes, request for confidentiality is made, the applicant must also include the applicant's request that the report that is described in Section 9 of this Ordinance and the Grant Agreement that is described in Section 11 of this Ordinance, and appropriate drafts thereof, be released to the applicant for its review and comments.
11. This item must be included if item #10 is included. Otherwise, this item is not required: An authorization by the applicant to disclose, and a covenant or promise to hold the County and its officials and employees and the Public Agency and its members, attorney, and staff harmless and to release them from any liability that they may incur should they or any of them disclose, information or records that the applicant has requested to be kept confidential in the manner, and the extent, that is set forth in Section 288.075, Florida Statutes, when such disclosure is later requested or authorized to be disclosed by the applicant, when such information and records are no longer exempt from disclosure under the provisions of Section 288.075, Florida Statutes, or when such disclosure results from an order, requirement or request by or from, a court of competent jurisdiction, or when authorized to be disclosed by this Ordinance, as amended from time to time.
12. Any additional information requested by the Public Agency.

B) If the Public Agency or the Board ever determines that an applicant provides false information on the Application, the Public Agency shall not

process the Application any further, the applicant will not be eligible for one or more grant payments, and the Public Agency and/or the Board may take any action allowed by law with regards to the applicant.

Section 4. Amendment to Section 11 of County Ordinance 2002-47.

Section 11 of County Ordinance 2002-47 is amended to read as follows:

Section 11. The Grant Agreement.

- A) The Public Agency shall, within 30 days of the Board of County Commissioners' guidance and instructions, prepare an appropriate Grant Agreement. If the confidentiality procedures that are set forth in Section 288.075(2), Florida Statutes, have been initiated by an applicant, the Grant Agreement shall not contain information that would expressly identify the applicant/grantee or disclose the applicant's interest in expanding or locating its business within the County, or to the County, and blanks may be inserted in places that would normally identify the grantee or disclose such interests. When Section 288.075, Florida Statutes, procedures have been initiated by the applicant, neither the Public Agency, its members, attorney or staff shall release or disclose the Grant Agreement to anyone, other than the applicant, unless (a) the Public Agency receives a written request from the applicant to schedule the public Board meeting that is described in Section 12 below, and to release the Grant Agreement to the Board (and therefore to the public), (b) the Grant Agreement is no longer exempt from disclosure under the provisions of Section 288.075, Florida Statutes, or (c) disclosure of the report is ordered, authorized, required, or requested by a court of competent jurisdiction, or by an agency or department of the State or Federal government, or is required or authorized to be disclosed by the Ordinance, as amended from time to time.
- B) The Grant Agreement shall accurately reflect the instructions and guidance that were provided by the Board, during the Board Meeting described in Section 10 above, and shall specify, or contain at a minimum:
1. The total number of new Full-time Equivalent Jobs in the County that the grantee will provide as a result of the Project, the average wage of those jobs, and a time schedule or plan for when such jobs will be in place and active in the County,
 2. The maximum amount of the grant which the grantee will be eligible to receive on the Project, and the amount of the

grant payment that the grantee will be eligible to receive in each County Fiscal Year during which grant payments will be made.

3. The total amount of each of the following:
 - a) the general County portion of ad valorem taxes;
 - b) the general County portion of tangible personal taxes;
 - c) the water unit connection fees;
 - d) the sewer unit connection fees; and/or
 - e) the County impact fees

that the grantee shall have paid within the twelve (12) months prior to receiving each years identified grant payment.

4. That the Board, the Public Agency, and the agents of the Board and Public Agency may review and verify the financial and personnel records of the grantee during each year that the grant payment is in effect to ascertain whether the grantee is in compliance with the Grant Agreement.
5. The date after which, in each County Fiscal Year, the grantee may file an annual claim for a grant payment, under the procedure, set forth in Section 14 of this Ordinance.
6. A description of each item of performance that the grantee must perform as a condition to receive each individual annual grant payment.
7. An acknowledgment that the grantee's compliance with the terms, conditions, provisions, and requirements of the Grant Agreement is a condition precedent to the receipt of a grant payment each year, and that the failure of the grantee to comply with said terms, conditions, provisions, and requirements of the Grant Agreement, shall result in the loss of eligibility for that year's grant payment, and may result in the termination of subsequent grant payments, and/or the Grant Agreement.
8. An acknowledgment that no grant payments will be made by the County to the grantee unless the grantee submits the applicable claim(s) for grant payments that are described, and set forth, in Section 14 of this Ordinance, and such claim(s) are approved in the manner that is set forth, in Section 14 of this Ordinance.
9. A statement clearly printed in its face, in bold type of not less than 10 points in size that: **"This Grant Agreement is neither a general obligation of St. Johns County, nor is it backed by the full faith and credit of St. Johns County. Payment of each grant payment is conditioned on, and subject to, specific annual appropriations by the Board of County Commissioners of St. Johns County of**

monies sufficient to pay the grant payment due that year.”

10. This item must be included if the applicant has initiated the confidentiality provision of Section 288.075, Florida Statutes. Otherwise, this item is not required: An authorization by the applicant/grantee to disclose, and a covenant, or promise to hold the County and its officials and employees and the Public Agency and its members, attorney, and staff harmless, and to release them from any liability that they may incur should they, or any of them disclose, information or records that the applicant has requested to be kept confidential in the manner, and to the extent that is set forth in Section 288.075, Florida Statutes, when:
 - (i) the confidentiality provisions of Section 288.075(2), Florida Statutes, do not apply to such information; or
 - (ii) the confidentiality provisions of Section 288.075(2) Florida Statutes, no longer apply to such information; or
 - (iii) the person or entity that requested Section 288.075(2), Florida Statute confidentiality for the information, subsequently authorizes that the information be disclosed; or
 - (iv) disclosure of the information is required or authorized by this Ordinance, as amended from time to time; or
 - (v) disclosure of the information is ordered, required, or requested by a court of competent jurisdiction.
 11. Common Contract terms, provisions, conditions, and requirements, including, but not limited to: Recital clauses; duration of the Agreement; provisions concerning governing law and venue; provision concerning whether Assignment is permitted; a severability clause; and a procedure to amend the Grant Agreement.
 12. Such other details, terms, conditions, provisions, and requirements as the Board deems necessary, and/or mandates.
- C) The Grant Agreement shall not contain any terms, conditions, provisions, or requirements that have not been noted in this Section, or elsewhere in this Ordinance, or have otherwise been pre-approved by the Board.
- D) Upon completing the Grant Agreement, and when necessary, obtaining the above-described request for release of the Grant

Agreement from the applicant, the Public Agency shall provide copies of the Grant Agreement to the Board (and therefore to the public), and to the applicant; schedule a meeting with the Board to present the proposed Grant Agreement; and provide the applicant with at least seven (7) days advance notice of the time and place of the Board meeting.

Section 5. Amendment to Section 12 of County Ordinance 2002-47.

Section 12 of County Ordinance 2002-47 is amended to read as follows:

Section 12. Approval and Execution of Grant Agreement.

- A) The Board must consider the Grant Agreement, as part of its regular agenda. The Grant Agreement may not be placed on the consent agenda, unless the applicant/grantee approves of the placement of the Grant Agreement on the consent agenda, and the material terms of the Grant Agreement (including length and maximum amount of grant payment that would be eligible) have already been considered in a public meeting held by the Board of County Commissioners.

- B) During the Board meeting, in which the Grant Agreement is considered by the Board, or during a continuation of such meeting, the Board may:
 - 1. approve the proposed Grant Agreement; or
 - 2. amend the proposed Grant Agreement and approve the Grant Agreement as amended; or
 - 3. reject the proposed Grant Agreement; or
 - 4. refuse to approve the Grant Agreement unless the Applicant first authorizes all information and records of the Public Agency that pertain to the Applicant, including without limitation the Applicant's name, to be disclosed to the public.

No County Commissioner may make a **motion** to approve a Grant Agreement or an amended Grant Agreement **until** the County Administrator or the County Commissioner who intends to make the motion first confirms that the Grant Agreement or the Amended Grant Agreement, as applicable, does not accrue to his or her personal benefit and that in his or her professional judgment the Grant Agreement or the Amended Grant Agreement, as applicable, is necessary to effectuate an economic development

project in the County. The person who makes this confirmation is the only person who may execute the subject Grant Agreement on behalf of the County. (This precondition to an approval motion is required in order to comply with Section 288.075(4), Florida Statutes).

- C) If the Grant Agreement that is approved by the Board of County Commissioners contains blanks because of the Applicant's initiation of Section 288.075, Florida Statutes, confidentiality provisions, the blanks shall be filled in by the Public Agency prior to execution by either party. All Board of County Commissioners Grant Agreement approvals shall be deemed to have authorized the Public Agency to fill in all blanks, if any, in the approved Grant Agreement prior to execution of the Grant Agreement by the County and to authorize the person who makes the confirmation described in subsection (B) above to execute the Grant Agreement. The executed Grant Agreement shall contain no blanks.
- D) If a proposed Grant Agreement, or amended Grant Agreement is approved by the Board of County Commissioners, the Public Agency shall forthwith notify the applicant of the Board of County Commissioners' approval, and the applicant shall have thirty (30) days from the date of approval to execute and deliver two copies of the approved Grant Agreement to the Public Agency. The Public Agency shall then request the person who made the confirmation described in subsection (B) above to execute both copies on behalf of the County. The Public Agency shall then retain one executed copy in its exclusive possession and control until it may be released or copied in a manner that is consistent with ordinance 2002-47, as amended from time to time; and deliver the other executed copy to the applicant/grantee.
- E) A failure by the applicant to meet the thirty (30) day execution and delivery deadline shall result in the automatic termination of the Board's approval, and the Grant Agreement shall be deemed to have been rejected by the Board.
- F) In such a circumstance, an applicant, may at a later time, submit another application to the Public Agency. However, there is no expectation, assurance, and/or guarantee that an Applicant who submits a subsequent application will receive approval from the Board.

Section 6. Adding Severability to County Ordinance 2002-47.

The following Section 16 is added to County Ordinance 2002-47:

Section 16. Severability. It is the intent of the Board and it is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions, sections, subsections, clauses, phrases, or provisions of this Ordinance.

Section 7. Substitution and Replacement of Exhibit "B" in County Ordinance 2002-47.

Exhibit "B" of County Ordinance 2002-47 is substituted with, and replaced by, a new, and revised Exhibit "B" that is attached, and incorporated into this Ordinance.

Section 8. Substitution and Replacement of Exhibit "C" in County Ordinance 2002-47.

Exhibit "C" of County Ordinance 2002-47 is substituted with, and replaced by, a new, and revised Exhibit "C" that is attached, and incorporated into this Ordinance.

Section 9. Severability for this Ordinance. It is the intent of the Board, and it is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity, or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions, sections, subsection, clauses, phrases, or provisions of this Ordinance.

Section 10. Effective Date. This Ordinance shall be effective upon a certified copy being filed with the Department of State of Florida.

PASSED and ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 13th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

RENDITION DATE 05/15/03

By: Wendee King
Deputy Clerk

Effective Date: 05/16/2003

ST. JOHNS COUNTY TARGET INDUSTRIES

- General Offices, including:
 - Corporate/Regional Headquarters (all industries)
 - Back Office Operations¹
 - Claims Processing Centers¹
 - Credit Processing Centers¹
 - Data Processing Services (7374)
 - Computer On-line Services (7375)
 - Telemarketing Centers (7389)

¹For financial services and insurance firms (602, 603, 614, 615, 621, 631, 632, 633, 637)

- Aircraft Parts and Equipment, including:
 - Sheet Metal Work (3444)
 - Engine Electrical Equipment (3619)
 - Aircraft Modification and Repair (3721)
 - Aircraft Parts and Equipment (3728)
 - Avionics (3812)

- Auto Parts and Accessories, including:
 - Automotive Stampings (3465)
 - Parts and Accessories (3714)
 - Engine Electrical Equipment (3694)

- Electronics and Electrical Equipment, including:
 - Printed Circuit Boards (3672)
 - Miscellaneous Electronic Components (3678, 3679, 3699)

- Medical Equipment and Supplies, including:
 - Surgical and Medical Instruments and Apparatus (3841)
 - Orthopedic, Prosthetic, and Surgical Appliances and Supplies (3842)
 - Ophthalmic Goods (3851)

- Drug Related Products, particularly:
 - Medicinals and Botanicals (2833)
 - Pharmaceutical Preparations (2834)

- Specialty Food Products, including:
 - Fruit and Vegetable Specialties and Frozen Products (2035, 2037)
 - Bread, Cake, and Related Products (2051, 2052)
 - Candy and Confectionery Products (2064, 2066)
 - Flavoring Extracts and Syrups (2087)
 - Potato Chips and Other Snack Foods (2096)
- Recreational Equipment, including:
 - Boatbuilding and Repair (3732)
 - Golf Carts, Jet Skis, etc. (3799)
 - Sporting and Athletic Goods (3949)
- Specialty Industrial Products, including:
 - Plastic Products (3083, 3088, 3089)
 - Metal Forming and Stamping (3354, 3357, 3469)
 - Fabricated Wire Products (3496)
 - Gears and Related Products (3566)
- Specialty Consumer Products, including:
 - Miscellaneous Paper & Related Products (2656, 2678, 2782)
 - Cosmetic and Toiletries (2844)
 - Plastic Products (3089)
- Specialized Health Services
 - Sports Medicine
 - Generic Wellness
 - Eldercare
- Distributors and Distribution Centers, particularly for
 - Retail Chains Serving Sub-state and Interstate markets
 - Recreational Equipment Manufacturers
 - Automotive Equipment Manufacturers

Exhibit "B"

St. Johns County established a point system for determining a base value a business/industry could receive for their locating or expansion of their facility within St. Johns County, Florida.

The point system criteria is calculated independently for each element and must be substantiated upon completion of the physical construction, location in certain area of the County and/or the employment of full time employees.

The following are the listed categories and calculation criteria:

Section I

1. Target Industry Study

- a. Companies that are listed within the targeted industry study done for St. Johns County.

The initial target industry study for St. Johns County was accomplished in FY 1998 and updated in FY 2002. The study report and update focuses in and summarizes the counts strengths and weaknesses in the County's business makeup. It recommends businesses and industries that would be appropriate, beneficial and promote a balance for local employment opportunities.

- b. The County also considers the state's target industry study in its attempt to develop regional support in the northeast sector of the state.

Qualified target industry (2002)

State list 1 point
County list 2 points

Maximum points to be awarded = 3 points

- 2. The County calculates the ad volurem tax generated by the proposed locating and or expansion projects through the sq. ft. of construction and the estimated taxable value of post development improvements.

Size of facility (in sq. ft.)

a) 10,000 to 24,999	.5 point
b) 25,000 to 49,999	1.0 point
c) 50,000 to 99,999	1.5 points
d) 100,000 +	2.0 points

- 3. The County calculates the potential social/economical benefit to the community partially through the number of new employees added to the County workforce.

Size of work force (new employees)

a) 5 to 29	.5 point
b) 30 to 69	1.0 point
c) 70 to 99	1.5 points
d) 100 +	2.0 points

4. The County additionally calculates the wage rate as compared to the existing County base wage rates and offers an incentive value for the percentage of wages above the County base rate.

100% to 115% of the average county's hourly base wage rate	.5 point
116% to 120% of the average county's hourly base wage rate	1.0 point
121% to 125% of the average county hourly base wage rate	1.5 points
126% + of the average county's hourly base wage rate	2.0 points

5. The County acknowledges the need to assist certain areas of the County that have been underutilized for business and industrial growth. The County refers to these geographically designated areas as underutilized business zone. A Company who desires to locate or expand within a designated underutilized area will receive the following additional incentive.

Location or expansion within an underutilized business zone 2.0 points

Section II.

1. Financial incentives derived through the accumulation of points assigned to the proposed business or industry upon a review of the applicant's incentive application.
2. Upon submittal of an economic incentive application to the county the proposed business or industry may accumulate incentive points as described in section I of exhibit b.
3. A failure to accumulate 5 points or better will result in no financial or procedural assistance from St. Johns County.
4. An accumulation of 5 to 7 points will support the county's offering of the following financial and procedural incentives:
 - a. Expedited permitting
 - b. Preparation and submittal upon request by the business or industry of state economic development transportation grant by the county on behalf of the business or industry.
 - c. Two years tangible personal property tax reimbursement (reimbursed over a five year period)
50% county subsidy for the water and sewer unit connection fee.
5. An accumulation of 7.5 points or higher will support the county's offering of the following financial and procedural incentives:
 - a. Expedited permitting
 - b. Preparation and submittal upon request by the business or industry of state economic development transportation grant by the county on behalf of the business or industry.
 - c.
 1. four years ad valorem tax reimbursement (reimbursed over a five (5) year period)
 2. Four years tangible property tax reimbursement (reimbursed over a five (5) year period).
 3. 100% county subsidy for the water and sewer unit connection fees.

Section III (Existing Industry Incentives)

1. Financial incentives are provided herein for existing businesses and calculated through the accumulation of points upon review of the applicant's incentive application.
2. Upon submittal of an economic incentive application to the County the proposed business or industry may accumulate incentive points as described:
 - a. Companies that are listed as a targeted industry by the board of County Commissioners for St. Johns County will receive 1 point.
 - b. Points are assigned based on the size of facility addition:

Up to 5,000 SF	.5 points
5,001 – 10,000 SF	1.0 points
10,001 – 20,000 SF	1.5 points
20,001 +	2.0 points
 - c. Businesses adding additional Jobs will receive points as listed:

Up to 5 new employees	.5 points
6 – 15 new employees	1.0 points
16 – 30 new employees	1.5 points
Over 30 new employees	2.0 points
 - d. Above average wage rates as calculated by the Agency for Workforce Innovation (Formerly Department of Labor) will receive the following points:

100-114.9% Average Wage Rate	.5 points
115-119.9% Average Wage Rate	1.0 points
120-124.9% Average Wage Rate	1.5 points
125% +	2.0 points
 - e. Businesses that are located and expand in an underdeveloped area will receive 2 points.
3. Financial incentives derived through the accumulation of points based on Para 2 above will receive the following incentives:
 - a. An economic development grant equal to impact fees and unit connection fees:

2 – 2.9 points	25% of fees
3 – 3.9 points	50% of fees
4 – 4.9 points	75% of fees
5 points or higher	100% of fees
 - b. Businesses that receive 5 points or higher will also receive expedited permitting.

EXHIBIT "C"

ST. JOHNS COUNTY
ECONOMIC DEVELOPMENT INCENTIVE APPLICATION

Applicant's name: _____

Federal Employer Identification Number: _____

State Sales Tax Registration Number: _____

Current Company Headquarters and address: _____

Primary Contact Person: _____

Primary Contact Person Title: _____

Primary Contact Person Address: _____

Contact Person Phone (business): _____

Contact Person Cell: _____

Contact Person E-mail: _____

The company requires confidentiality in its requests for consideration on economic incentives.

_____ Yes _____ No

If applicant answers "Yes" with respect to requesting confidentiality, in its request for consideration on economic incentives, then the following authorization is required:

The applicant authorizes the disclosure, and covenants to hold the County, and its officials and employees and the Public Agency and its members, attorney, and staff harmless and release them from any liability that they incur, should they or any of them disclose information or records that the applicant has requested be kept confidential in the manner, and to the extent that is set forth in Section 288.075, Florida Statutes, when such disclosure is later requested or authorized by the applicant, when such information and records are no longer exempt from disclosure under the provisions of Section 288.075, Florida Statutes, when such disclosure results from an order, requirement or request, by, or from, a court of competent jurisdiction, or a Florida agency or department, or when such disclosure is required or authorized to be disclosed by this Ordinance, as amended from time to time.

Description of the primary and secondary business activities the company that is locating in St. Johns County, Florida is engaged in:

Type of Facility Development: _____ new _____ expansion

Date construction is projected to begin: _____

Date facility will be complete and operational: _____

Estimated Square Footage of Facility Under Roof H/C: _____

Number of full-time employees to be employed: _____

Total number of full-time employees currently employed by the applicant in the county: _____

4-digit SIC Code for all activities included in the project: _____

An explanation of the type of employment proposed and the average annual pay rate:

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared LINDA Y MURRAY

who on oath says that she is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING

In the matter of ORDINANCE # 2002-47

BUSINESS INCENTIVES PROGRAM

in the Court, was published in said newspaper in the issues of

APRIL 25, 2003

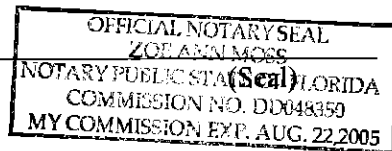
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 25TH day of APRIL 2003

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public]

Zoe Ann Moss



ORDINANCE BOOK 31 PAGE 723

COPY OF ADV

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS... AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-47 WHICH CREATED A BUSINESS INCENTIVE PROGRAM...

OF THE COUNTY'S PUBLIC ECONOMIC DEVELOPMENT AGENCY... THE APPLICATION, "THE GRANT AGREEMENT", AND "APPROVAL AND EXECUTION OF GRANT AGREEMENT" RESPECTIVELY... INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE.

appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.