

ORDINANCE NO. 2017-\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS APPROVING AN EXEMPTION FROM CERTAIN AD VALOREM TAXATION TO POWER DESIGN, INC. PURSUANT TO THE COUNTY'S ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROGRAM; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SUNSET DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VII, Section 3, of the Constitution of the State of Florida and Section 196.1995, Florida Statutes, the State has provided for a local Economic Development Ad Valorem Tax Exemption Program upon the successful passage of a referendum; and

**WHEREAS**, by a referendum held on August 26, 2014 the electors of Pinellas County have authorized the local establishment of the program providing for the granting of ad valorem tax exemptions, which may be renewed for a subsequent ten year period if approved by subsequent referendum; and

**WHEREAS**, on December 16, 2014, the Board of County Commissioners of Pinellas County, Florida (the "Board") adopted Ordinance 2014-56 codified in Chapter 118, Article VI of the Pinellas County Code (the "Master Ordinance") authorizing the granting of such exemptions; and

**WHEREAS**, the Master Ordinance sets forth the guidelines for the Pinellas County Economic Development Ad Valorem Tax Exemption Ordinance Process; and

**WHEREAS**, the granting of ad valorem tax exemptions to statutorily eligible businesses will provide Pinellas County with an additional economic development incentive to enhance Pinellas County's competitive edge in encouraging new business development and retaining local businesses with expansion plans; and

**WHEREAS**, pursuant to the Master Ordinance and the program, Power Design, Inc. submitted an application to Pinellas County requesting an ad valorem tax exemption for 100% of the assessed value of the qualifying improvements to real property and qualifying tangible personal property specified in its application for a period of ten years, commencing with Tax Year 2017 (the Power Design Application"). The Power Design Application is incorporated herein by reference; and

**WHEREAS**, in its application, Power Design, Inc. stated the following:

- A. Name of business: Power Design, Inc.
- B. Location of Facility: 1004 & 1008 118<sup>th</sup> Avenue N., St. Petersburg, Florida 33716
- C. Name of owners of business: Mitch Permuy
- D. It will acquire, renovate and equip an approximate 19,600 square foot facility, and invest approximately \$4,210,000 in the renovation and equipment.

- E. It will create a total of 70 new jobs by December 31, 2018, at an average annual wage that shall together be no less than \$67,500.
- F. It is committed to reducing its carbon footprint through recycling programs and promoting telecommuting.

**WHEREAS**, pursuant to both state law and the Master Ordinance, the Pinellas County Property Appraiser completed a review of the Power Design, Inc. Application and submitted a report to the County, dated January 20, 2017. The Property Appraiser report included the following information:

- (A) The total revenue or estimate of revenue available to the County for the current fiscal year from ad valorem tax sources: \$335,517,793
- (B) The amount of any revenue lost or estimate of revenue lost by virtue of Economic Development Ad Valorem Tax Exemptions previously granted: \$ 0
- (C) An estimate of the amount of revenue which would be lost to the County during the current fiscal year if the exemption applied for were granted and the property for which the exemption is requested would otherwise have been subject to taxation: \$9,627;
- (D) A determination that Power Design, Inc. meets the definition of Expansion of an Existing Business, as defined in Florida Statutes, Section 196.012; and

**WHEREAS**, the Power Design, Inc. Application meets all the requirements of Section 196.012, Florida Statutes and the Master Ordinance; and

WHEREAS, THE Board granted preliminary approval to the Power Design Application on April 12, 2016, by adoption of Resolution 2016-24, which is hereby incorporated by reference;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY FLORIDA, THAT:**

**Section 1.** TITLE. This Ordinance shall be known as Ordinance No. 2017 - \_\_\_\_, the “Power Design, Inc. Exemption Ordinance.”

**Section 2.** GRANT OF EXEMPTION. After consideration of the Power Design, Inc. Application and the Property Appraiser report, the Board finds that Power Design, Inc. qualifies as an Expansion of an Existing Business and that granting same an Economic Development Ad Valorem Tax Exemption per the master Ordinance will promote economic sustainability within the County through the creation of jobs and capital investment.

1. The Board hereby establishes and grants to Power Design, Inc. an Economic Development Ad Valorem Tax Exemption of 100% of the assessed value of the net increase in qualifying improvements to real property and qualifying tangible personal property acquired by Power Design, Inc. after the adoption of Resolution 2016-24 to facilitate its expansion of its existing business, as set forth in the Power Design Inc. Application (the “Power Design Exemption”).
2. The Exemption herein shall be for a period of ten tax years (the “Exemption Period”), commencing with Tax Year 2017 through Tax Year 2026.

3. As a condition to receiving the Power Design Exemption under this ordinance, Power Design, Inc. shall enter into a Tax Exemption Agreement (“Agreement”) with the County ensuring it has and will continue to satisfy and comply with all terms, conditions and/or requirements in this Ordinance, the Master Ordinance, State law and the Agreement, including any and all amendments thereto. Failure to breach or abide by same may result in a revocation of their exemption and the recovery of taxes not paid as a result of the Exemption as provided for in the Master Ordinance. No exemption shall be granted for the land upon which Power Design, Inc. is to be located.

**Section 3.** APPLICABILITY. The Power Design Exemption shall apply only to taxes levied by the County. The Power Design Exemption shall not apply to taxes levied by a municipality, school district, or water management district, independent special district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9(b) or 12, Article VII of the Florida Constitution.

**Section 4.** SUNSET DATE. The Power Design Exemption granted herein shall automatically expire on December 31, 2026, and shall no longer be in force and effect thereafter.

**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, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**Section 6.** INCLUSION IN THE PINELLAS COUNTY CODE. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

**Section 7.** AMENDMENT OF PROPOSED ORDINANCE AT PUBLIC HEARING. Any section, subsection, sentence, clause, phrase, or provision of this Ordinance as proposed may be by amended, added, or deleted by majority vote of the Board of County Commissioners as a result of matters raised at the public hearing or in consultation with responsible authorities, and in such event, the amendments, additions or deletions shall be validly adopted without additional advertisement or hearing.

**Section 8.** FILING OF ORDINANCE; EFFECTIVE DATE. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED AS TO FORM

By: Muhammad A. Zao  
Office of the County Attorney