

1 Ordinance Summary

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3 The purpose of this Ordinance is to amend Chapter 7, Lake County Code, entitled Economic
4 Development and Business Incentives. The Ordinance will clarify the program requirements of
5 the Business Assistance Program, to be renamed the Business Expansion Program, and the High
6 Value Job Creation Program. The ordinance will also repeal the Artist Relocation Program.

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9 **ORDINANCE NO. 2013-_____**

10 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
11 **COUNTY, FLORIDA; AMENDING CHAPTER 7, LAKE COUNTY CODE, ENTITLED**
12 **ECONOMIC DEVELOPMENT AND BUSINESS INCENTIVES; CLARIFYING**
13 **PROGRAM REQUIREMENTS FOR THE BUSINESS ASSISTANCE PROGRAM AND**
14 **THE HIGH VALUE JOB CREATION PROGRAM; REPEALING THE ARTIST**
15 **RELOCATION PROGRAM; PROVIDING FOR INCLUSION IN THE CODE;**
16 **PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE**
17 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

18 **WHEREAS**, in 2009 the Board of County Commissioners did create an economic
19 development and business incentive program for the purpose of broadening the business and
20 industrial tax base in Lake County; and

21 **WHEREAS**, in Ordinance 2012-60, the Board did amend Chapter 7, Lake County Code,
22 to expand the definition of development costs to more accurately reflect the needs of those
23 applying for assistance under the Business Assistance Program; and

24 **WHEREAS**, since the Artist Relocation Program has only received one application since
25 its creation, the Board has determined that such Program should be repealed; and

26 **WHEREAS**, it is necessary to clarify the program requirements for both the Business
27 Assistance Program and the High Value Job Creation Program; and

28 **WHEREAS**, the Board has determined that making such changes to the Lake County
29 Code are in the best interests of the citizens of Lake County, Florida.

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

32 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
33 herein by reference.

1 **Section 2. Amendment.** Chapter 7, Lake County Code, entitled Economic
2 Development and Business Incentives, shall be amended to read as follows:

3
4 **Chapter 7 - ECONOMIC DEVELOPMENT AND BUSINESS INCENTIVES**

- 5
6 Sec. 7-1. Purpose.
7 Sec. 7-2. Definitions.
8 Sec. 7-3. General authority and administration.
9 Sec. 7-4. Business development programs.

10
11 **Sec. 7-1. - Purpose.**

- 12 (a) It is the intent of the Lake County Board of County Commissioners to create and
13 broaden a sound business and industrial tax base in Lake County and which tax
14 base shall benefit all residents in Lake County by better distributing the burden of
15 taxes. This is accomplished by attracting targeted business/industries to locate
16 within the county and through retention and expansion of existing targeted
17 businesses. Furthermore, this can be realized by attracting, expanding and
18 retaining those businesses/industries that pay greater than the average annual
19 wage in the county.
20
21 (b) It is the intent and purpose of this chapter to provide the authority and
22 mechanisms within the parameters of judicial, federal, state and local laws for
23 such promotions and to allow the expenditure of public funds for such purposes.

24 **Sec. 7-2. - Definitions.**

25 As used in this section:

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

30 *Building permit fees* means those fees charged by Lake County, or municipalities,
31 for construction, erection, modification, repair and demolition activities within the county
32 which are governed under the Florida Building Code and charged pursuant to the Florida
33 Statutes and as outlined in the Lake County Fee Schedule adopted annually by resolution.

34 *Construction costs* means the costs associated with the construction of a new
35 building or the physical expansion of an existing building, including, but not limited to,
36 structural improvements, mechanical upgrades (HVAC, compressed air systems),

1 electrical system upgrades or expansion, plumbing, fire suppression systems, building
2 additions, interior remodeling (demolition and installation of new interior walls, adding
3 rooms) and substantial renovations or demolition. Interior paint, flooring and other
4 cosmetic improvements shall not be eligible. Soft costs such as, but not limited to, design
5 costs, survey costs or appraisal costs shall not be eligible. All construction costs must be
6 related to the relocation or expansion of a new or existing business in order to be eligible
7 under this definition.

8 *Development costs* means moving costs, building permit fees, impact fees,
9 infrastructure improvement costs, or construction costs, as defined herein.

10 *Employee* means those individuals working for targeted businesses/industries in
11 positions that are covered under and included on Florida Department of Revenue,
12 Employer's Quarterly Report.

13 *Impact fees* means those impact fees charged by Lake County, and municipal
14 impact fees if applicable.

15 *Infrastructure improvement costs* means those costs required for extension of or
16 upgrades to infrastructure, including but not limited to water and sewer facilities or
17 roadways that may be required to serve the proposed business or industry expansion,
18 location or relocation within Lake County.

19 *Jobs* means full-time positions created after an application for assistance, under
20 this chapter, has been filed with the county where the employee is paid a minimum of one
21 hundred fifteen (115) percent of the average annual wage in Lake County, and are offered
22 benefits.

23 *Promotion* means to encourage the existence or growth of targeted
24 business/industry within Lake County, Florida.

25 *Qualified Target Industry (QTI)* means those companies that provide high wage
26 jobs in value-added industries as identified by the State of Florida and published by
27 Enterprise Florida pursuant to Florida Statutes.

28 *Targeted business/industry* means ~~those business and industry categories~~
29 ~~described in Lake County's Economic Development Strategic Plan and businesses and~~
30 ~~industries classified as Qualified Target Industries (QTI) by the State of Florida as~~
31 ~~published by Enterprise or such other businesses or industries as approved by the board~~
32 ~~of county commissioners. those businesses falling within the following industry~~
33 ~~categories: manufacturing, corporate headquarters, research and development, homeland~~
34 ~~security/defense, aviation, aerospace, information technology, life sciences and clean~~
35 ~~technology. Businesses and industries classified as Qualified Target Industries (QTI) by~~

1 the State of Florida as published by Enterprise Florida that are also a Lake County
2 targeted business or industry shall be eligible for Lake County incentive programs.

3 **Sec. 7-3. - General authority and administration.**

4 (a) The Lake County Board of County Commissioners may budget funds for business
5 or industry promotion purposes ~~pursuant to the provisions of F.S. Chs. 125 and~~
6 129. The award of funds are contingent upon available funding.

7
8 (b) The Lake County Board of County Commissioners may approve such other
9 businesses or industries to receive funds under the incentive program as it deems
10 necessary to fulfill the purposes of this chapter.

11
12 (c) Any company that is eligible to receive a financial incentive from Lake County
13 and qualifies for both the Business Expansion Program and the High Value Job
14 Creation Program may only receive funds from one (1) of the programs.
15 Companies are not eligible to receive funds from both programs for the same jobs.
16 Additionally, any improvement cost may only be counted once for any Lake
17 County incentive or grant.

18 (d) To be eligible to receive incentive funds, the new jobs must be hired within three
19 hundred sixty-five (365) days of the application being accepted by the County.
20 Any employees hired before the application is submitted will not be an eligible
21 hire for the incentive program.

22 (e) Applications for financial incentives can be obtained from and submitted to the
23 county manager or designee. The county manager or designee, upon confirmation
24 that such application meets the requirements set forth in this chapter, shall
25 schedule final approval of the award before the ~~h~~Board of ~~e~~County
26 eCommissioners.

27 **Sec. 7-4. - Business development programs.**

28 (a) *Financial incentives.*

29 (1) ~~Business assistance program~~ Business Expansion Program.

30 a. To encourage the location or expansion of targeted
31 business/industry this program provides matching funds ~~to new and~~
32 ~~expanding~~ businesses to offset development costs. The applicant must
33 share fifty (50) percent of the costs, with the maximum grant amount
34 limited per business per County fiscal year to twenty-five thousand dollars
35 (\$25,000.00), unless otherwise approved by the Lake County Board of
36 County Commissioners. The award amount will be based on a ratio of

1 | five thousand dollars (\$5,000) per new job created up to a maximum of
2 | five (5) new qualifying jobs. Funds will be paid once the positions are
3 | filled and improvements are completed.

4 |
5 | b. To qualify, the business must create a minimum of ~~five-two (52)~~
6 | ~~new jobs~~ that pays no less than one hundred fifteen (115) percent of the
7 | average annual wage for Lake County.

8 |
9 | c. Successful applicants shall enter into a ~~business-assistance~~ program
10 | agreement with ~~Lake-the~~ County to include a provision for repayment of
11 | funds if the business fails to retain the qualifying jobs for two (2) years
12 | from the hire date.

13 |
14 | (2) *High value job creation program.*

15 | a. To encourage the location or expansion of targeted
16 | business/industryies that offer significant economic benefit and create
17 | high-value jobs; ~~†~~This program provides a cash award for job creation.

18 |
19 | b. To qualify, ~~new~~ businesses must create a minimum of ten (10) jobs
20 | ~~and existing businesses must create five (5) jobs~~ that pay no less than one
21 | hundred fifteen (115) percent of the average annual wage for Lake
22 | County.

23 |
24 | c. Per job ~~bonuses~~ incentive amounts shall be as follows, unless
25 | otherwise approved by the Lake County Board of County Commissioners,
26 | and shall be paid at the time the positions are filled:

27 |
28 | Two thousand dollars (\$2,000.00) for jobs paying a minimum of
29 | one hundred fifteen (115) percent of the average annual wage for
30 | Lake County;

31 |
32 | Three thousand dollars (\$3,000.00) for jobs paying a minimum of
33 | one hundred fifty (150) percent of the average annual wage for
34 | Lake County;

35 |
36 | Four thousand dollars (\$4,000.00) for jobs paying a minimum of
37 | two hundred (200) percent of the average annual wage for Lake
38 | County.

1 d. Successful applicants shall enter into a ~~business assistance~~ program
2 agreement with Lake County to include a provision for repayment of
3 funds if the business fails to retain the qualifying jobs for ~~two-five~~ (25)
4 years from the hire date. Funds will be paid once the applicant submits
5 certified payroll that shows the hiring of the employees that meet the
6 average annual wage requirements.

7
8 ~~(3)~~ *Artist relocation program.*

9 a. ~~To encourage arts and culture in downtown districts, this program~~
10 ~~provides matching funds to new or relocating businesses to offset building~~
11 ~~improvement costs. The applicant must share fifty (50) percent of the costs~~
12 ~~with the maximum grant amount limited to two thousand five hundred~~
13 ~~dollars (\$2,500.00), unless otherwise approved by the Lake County Board~~
14 ~~of County Commissioners.~~

15
16 b. ~~To qualify, the business must be located within a designated~~
17 ~~downtown community redevelopment area within the county. The artist~~
18 ~~must be the owner or occupant of a live/work structure and the artist must~~
19 ~~manufacture and sell art from that location.~~

20
21 ~~(43)~~ *Business association sponsorship program.*

22
23 a. To encourage business development programs offered by
24 businesses or professional organizations in Lake County, this program
25 offers assistance with event sponsorship.

26
27 b. To qualify, the event must provide businesses and business owners
28 with information or training. Organizations may apply bi-annually with
29 the maximum grant amount limited to ~~four-two~~ thousand dollars
30 (\$2,000.00) per event. These funds will be paid after the event is
31 completed.

32
33 c. Sponsorship funds must be used for expenses directly related to the
34 business event, and Lake County must be a recognized sponsor. Lake
35 County must also be granted booth/table access for marketing of county
36 programs.

37
38 (b) *Other incentives.*

39 (1) *Expedited permitting.* The county manager or designee shall insure that
40 qualified projects are processed as expeditiously as possible. The county manager
41 is authorized to issue procedures governing the timing of review of such projects,

1 so long as any such procedure is consistent with the land development
2 regulations.

3
4 (2) *Transportation impact fee deferral.* In accordance with Chapter 22,
5 ~~section 22-10 of the~~ Lake County Code ~~of Ordinances~~, the Lake County Board of
6 County Commissioners may waive, reduce or permit deferral of impact fees.

7
8 (3) *Significant economic impacts.* The Lake County Board of County
9 Commissioners may approve incentive awards to persons, businesses or industries
10 so long as the board determines that such persons, businesses or industries will
11 create a significant economic impact within Lake County.

12
13 (c) *State of Florida incentives.* The Lake County Board of County Commissioners
14 recognizes programs offered by the State of Florida, through Enterprise Florida, and shall
15 give consideration to providing assistance to qualified applicants by adopting resolutions,
16 providing a twenty (20) percent local match, or processing applications as applicable to
17 each program.

18
19 (d) *United States Federal Government incentives.* The Lake County Board of County
20 Commissioners recognizes programs offered by the United States Federal Government
21 and shall give consideration to providing assistance to qualified applicants by adopting
22 resolutions as applicable.

23
24 (e) *Workforce Florida incentives.* The Lake County Board of County Commissioners
25 recognizes programs offered by Workforce Florida, and shall support qualified applicants
26 by offering information regarding the programs.

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29 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance
30 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
31 shall in no way affect the validity of the remaining portion of this Ordinance.

32 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
33 Commissioners that the provisions of this Ordinance shall become and be made a part of the
34 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
35 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
36 phrase in order to accomplish such intentions.

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38 **Section 5. Filing with the Department of State.** The clerk shall be and is
39 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
40 the State of Florida.

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Ordinance No. 2013-___; Chapter 7, Economic Development and Business Incentives

Section 6. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney