

ORDINANCE NO. 20-21

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING ECONOMIC DEVELOPMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING ARTICLE XVI OF CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF ORDINANCES TO ESTABLISH A NEW SECTION 2-29-174 GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO POWER DESIGN RESOURCES IN ACCORDANCE WITH APPLICABLE LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 196.1995, *Florida Statutes*, and Section 3, Article VII of the Florida Constitution (collectively, the "Act"), provide that the Board of County Commissioners (the "Board") may call a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses in Manatee County; and

WHEREAS, the Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act; and

WHEREAS, the Board has adopted Article XV of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code"), establishing an application process for economic development ad valorem tax exemptions for new businesses and expansions of existing businesses; and

WHEREAS, Power Design Resources has submitted an application in accordance with Article XV of Chapter 2-29 of the Code, and the Board has determined that granting an economic development ad valorem tax exemption to Power Design Resources is in the best interests of the public health, safety and welfare and will create employment opportunities that will benefit the entire community.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Section 2-29-174(b) of the Manatee Count Code of Ordinances is hereby amended as follows where the underlined text constitutes an addition and the ~~stricken~~ text constitutes a deletion:

(b) *Applicability.* Pursuant to Florida Statute 196.1995 and section 2-29-171 of the Code, the county ad valorem tax exemption granted herein and described in Exhibit A applies only to ad valorem taxes levied by Manatee County on the qualifying improvements to real property and qualifying tangible property specified in the Power Design Resources ~~(name of company)~~ application. The exemption does not apply to taxes levied by a municipality, school district, any special taxing district or any other

governmental entity, or to taxes levied by the county for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the State Constitution.

Section 2. Pursuant to Section 125.68(1), F.S., the codifier of the Manatee County Code of Ordinances, Municipal Code Corporation, shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remained of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 16th day of June 2021 and as amended on this 25th day of January, 2022.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

By: _____
Deputy Clerk

Exhibit “A”

**New Section 2-29-174
Manatee County Code of Ordinances
Economic Development Ad Valorem Tax Exemption
Power Design Resources**

2-29-174. Power Design Resources tax year 2022 through tax year 2029.

(1) *Grant of Ad Valorem Tax Exemption.*

- A. After consideration of the application submitted to the County by Power Design Resources requesting an ad valorem tax exemption for up to 100 percent of the assessed value of the qualifying improvements to real property and qualifying tangible personal property specified for a period of 8 years, commencing with Tax Year 2022, the Board hereby grants to Power Design Resources and establishes on behalf of Power Design Resources an economic development ad valorem tax exemption as follows:

Year 1 (2022):	100%
Year 2 (2023):	100%
Year 3 (2024):	90%
Year 4 (2025):	80%
Year 5 (2026):	60%
Year 6 (2027):	40%
Year 7 (2028):	20%
Year 8 (2029):	10%

of the assessed value of the net increase in qualifying improvements to real property and qualifying tangible personal property as set forth in the Power Design Resources Application, to facilitate the expansion of its business. (Power Design Resources, Ad Valorem Tax Exemption).

- B. The Power Design Resources Ad Valorem Tax Exemption shall be effective for a period of 8 tax years (the “Exemption Period”), commencing with Tax Year 2022 and remaining in effect through Tax Year 2029. Pursuant to Section 2-29-166(3) of the Code, the Power Design Resources Ad Valorem Tax Exemption is conditioned upon entering into a performance agreement, in the form established by the Board by Resolution, with the County stating that it shall remain in compliance with Article XV of Chapter 2-29 of the Code throughout the exemption period as well as the business maintenance and

continuing performance provision of the Power Design Resources Application. Should Power Design Resources fail to comply with Article XV of Chapter 2-29 of the Code, the maintenance and continuing performance provision of the Power Design Resources Application, or the requirements of the performance agreement, the Board may revoke the Power Design Resources Ad Valorem Tax Exemption and recover any taxes exempted during the exemption period pursuant to 2-29-170 of the Code.

- (2) *Applicability.* Pursuant to Florida Statute 196.1995 and Section 2-29-171 of the Code, the County ad valorem tax exemption granted herein applies only to ad valorem taxes levied by Manatee County on the qualifying improvements to real property and qualifying tangible property specified in the ~~(Name of Company)~~ Power Design Resources Application. The exemption does not apply to taxes levied by a municipality, school district, any special taxing district or any other governmental entity, or to taxes levied by the County for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the State Constitution.
- (3) *Sunset Date.* Power Design Resources Ad Valorem Tax Exemption shall be in effect through Tax Year 2029, at the conclusion of which it shall automatically sunset and no longer be in force and effect for any subsequent tax year.