

NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on May 3, 2022 at 8:30 A.M., or soon thereafter, at the County Commissioners Meeting Room, Okaloosa County Courthouse, 101 E. James Lee Blvd., Crestview, FL, will hold a public hearing to consider adopting an ordinance, the title and substance of said proposed ordinance being:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, AMENDING ORDINANCE 15-04, AS AMENDED BY ORDINANCE 19-01, WHICH GRANTED AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO PROJECT PROUD; MODIFYING THE TERM OF THE EXEMPTION; PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Offices of the County Commission located at Suite 100, Okaloosa County Administrative Building, 1250 N. Eglin Parkway, Shalimar, Florida 32579 and at Suite 302, 302 N. Wilson Street, Crestview, Florida 32536. Those offices can be contacted by telephone at 850-651-7105.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans With Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the County Commission Offices at the above address and must be made at least 48 hours in advance of the hearings to provide the requested service.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, AMENDING ORDINANCE 15-04, AS AMENDED BY ORDINANCE 19-01, WHICH GRANTED AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO PROJECT PROUD; MODIFYING THE TERM OF THE EXEMPTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs within Okaloosa County are a priority of the Board of County Commissioners of Okaloosa County (the “Board”); and

WHEREAS, in 2014, pursuant to section 196.1995, Florida Statutes, the voters of Okaloosa County authorized the Board to grant property tax exemptions to new businesses and expansion of existing businesses for economic development purposes (“Economic Development Ad Valorem Tax Exemption” or “EDATE”); and

WHEREAS, on April 7, 2015, the Board adopted Ordinance 15-04 relating to a project then known as Project Proud but whose actual business name was Bay State Cable Ties, which is now American Elite Molding (the “Company”).

WHEREAS, under Ordinance 2015-04, the Board approved an EDATE to provide for the expansion of the Company’s Florida operations and grant an exemption for a period of seven (7) years beginning in 2016 and ending in 2022, which was later extended for one year to 2023 under Ordinance 19-01; and

WHEREAS, the Company also received a Qualified Target Industry (“QTI”) Tax Refund from the State of Florida for the same seven (7) year period, which was also later extended to 2023; and

WHEREAS, in 2020 the Company was acquired by Southwire LLC resulting in the State of Florida approving the assignment of the rights and obligations of the QTI Agreement from American Elite Molding to Southwire LLC; and

WHEREAS, the State of Florida Department of Economic Opportunity, Division of Strategic Business Development (“DSBD”), subsequently approved the assignment of the rights and obligations of the QTI Agreement to Southwire LLC, while the Board approved the assignment of the rights and obligations of the EDATE agreement to Southwire LLC through Resolution No. 2021-39; and

WHEREAS, Southwire LLC has now requested to utilize the available one year extension offered by the State as a result of COVID-19. For Southwire, LLC to exercise this option, it is

necessary for the County to provide its concurrence and amend the Ordinance to extend the schedule for one additional year to 2024; and

WHEREAS, the extension of the schedule for one additional year would not increase the amount of the exemption as originally granted and it would remain the same amount as originally approved, which is \$64,000 over the entire seven (7) year period; and

WHEREAS, the Okaloosa County Economic Development Council (the “EDC”) has reviewed and recommends the approval of the extension as requested by Southwire, LLC.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA as follows:

Section 1. RECITALS. The above recitals are true and correct and incorporated herein as if set forth in their entirety.

Section 2. Section 2 of Ordinance 15-04, as subsequently amended, is hereby amended as follows:

Section 2. GRANT OF ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION.

A. This Economic Development Ad Valorem Tax Exemption is hereby granted to the Company for its business located at 5680 John Givens Road, Crestview, Florida 32539, (the “Property”) for its new construction and tangible personal property added or increased on or after the date of this Ordinance. No exemption shall be granted on the land upon which the improvements are made. Such Economic Development Ad Valorem Tax Exemption shall only be applicable to County taxes.

B. The total amount of revenue available to the County from ad valorem tax sources, revenue lost to the County for the current Tax Year by virtue of economic development Ad Valorem Tax Exemptions previously granted, and the amount of estimated revenue which will be lost because of the exemption hereby granted are in accordance with Paragraphs I, II, III and IV of the Property Appraiser’s findings on the Application for Economic Development Tax Exemption, a copy of which is attached hereto as Exhibit “A”.

C. The Economic Development Ad Valorem Tax Exemption ~~hereby~~ was initially granted to the Company ~~at the~~ for the Property ~~and shall be~~ for a term of seven (7) years commencing with the taxes for the year 2016 and ending with the taxes for the year 2022. However, no exemption was granted for calendar year 2017 and the Ad Valorem Tax Exemption was therefore extended for an additional

year to 2023. As a result of COVID-19, the County has agreed to extend the schedule for an additional year to 2024. The Ad Valorem Tax Exemption shall be applied against both the Tangible Personal Property Tax and Real Property Tax for the Property and in the amounts as set forth on Exhibit “B”, as amended. Such exemption shall only be applied against new construction and tangible personal property added or increased after the date of this Ordinance.

D. In accordance with the findings of the Board and the Property Appraiser, the Property hereby exempted meets the definition of a new or expanded business, as defined by section 196.012, Florida Statutes.

E. For Tax Year 2016 and all remaining years thereafter for which the Company is entitled to an Economic Development Ad Valorem Tax Exemption, such Exemption shall be granted from the payment of the taxes due by the Company on the Property.

Section 3. SEVERABILITY.

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. INCLUSION IN THE OKALOOSA COUNTY CODE OF ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Okaloosa County Code of Ordinances. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word “Ordinance” may be changed to “Section”, “Article”, or other appropriate word.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon its filing with the Department of State as provided by law.

PASSED AND DULY ENACTED by the Board of County Commissioners of Okaloosa County, Florida in regular session, this ____ day of _____ 2022.

OKALOOSA COUNTY
BOARD OF COUNTY COMMISSIONERS

Mel Ponder, Chairman

ATTEST:

J.D. Peacock, II
Clerk of Court & Comptroller

APPROVED AS TO FORM:

Lynn M. Hoshihara
County Attorney