

ORDINANCE NO. _____

AN ORDINANCE OF ORANGE COUNTY, FLORIDA
RELATING TO TAXATION; GRANTING AN ECONOMIC
DEVELOPMENT EXEMPTION FROM CERTAIN AD
VALOREM TAXATION FOR KPMG LLP, AN EXPANSION
OF AN EXISTING BUSINESS; PROVIDING FOR
DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR
THE ESTIMATED REVENUE LOSS ATTRIBUTABLE TO
THE EXEMPTION GRANTED TO KPMG LLP;
PROVIDING THE LEVEL OF EXEMPTION AND TERM
THE EXEMPTION WILL REMAIN IN EFFECT;
PROVIDING FOR APPLICABILITY; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Article VII, Section 3, of the Florida Constitution, and Section 196.1995, Florida Statutes, authorize granting of economic development ad valorem tax exemptions to qualifying new businesses and expansions of existing businesses upon the successful passage of a referendum; and

WHEREAS, the electors of Orange County authorized the granting of such exemptions by the successful passage of a referendum held on January 31, 2012; and

WHEREAS, subsequent to the passage of such referendum, on February 2, 2012, the Orange County Board of County Commissioners enacted Ordinance No. 2012-05, entitled the "Orange County Economic Development Ad Valorem Tax Exemption Ordinance" (the "Program Ordinance"), to establish a program (the "Program") for granting such exemptions from certain ad valorem taxation for qualifying new businesses and expansions of existing businesses, and to provide procedures and guidelines for the submissions of applications for the Board's consideration of granting such exemptions; and

WHEREAS, KPMG LLP, a Delaware registered limited liability partnership (the "Company"), submitted an application for an exemption for an expansion of an existing business ("the Application"); and

WHEREAS, the Application indicates that the Company's business will result in an economic benefit to Orange County through the creation of greater employment opportunities in Orange County; and

WHEREAS, the Company has met the requirements to qualify as an expansion of an existing business under the Program; and

WHEREAS, the Office of the Property Appraiser has reviewed the Application, and has provided the report required by the Program Ordinance; and

48 **WHEREAS**, all requirements of state law and the Program Ordinance have been
50 satisfied.

52 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
ORANGE COUNTY, FLORIDA:

Section 1. Enactment of New Economic Development Tax Exemption Ordinance.

54 A new economic development exemption from certain ad valorem taxation for KPMG LLP is
enacted to read as follows:

56 **Title.** This Ordinance shall be known as the “KPMG LLP
58 Economic Development Ad Valorem Tax Exemption Ordinance.”

60 **Definitions.** All terms used in this Ordinance in capitalized
62 form, unless otherwise defined in this Ordinance, shall have the
same meanings as ascribed to them in the Program Ordinance.

64 **Findings.** The Board, based on the Application submitted
by the Company regarding its facility to be located at 7675 Lake
66 Nona Boulevard, Orlando, Florida 32827 (“the Expanding
Business”), and the report of the Property Appraiser, and in
68 accordance with the procedures set forth in the Program
Ordinance, finds that the Company has met all the requirements of
70 the Program Ordinance and meets the requirements of Section
196.012(15), Florida Statutes, and that granting the Exemption
72 granted by this Ordinance will result in an economic benefit to
Orange County.

74 **Ad valorem tax revenues.** The total amount of revenue
available to the County from ad valorem tax sources for the current
76 fiscal year is Four Hundred Eighty-Five Million, Two Hundred
Twelve Thousand, One Hundred Nineteen Dollars
78 (\$485,212,119.00). The total amount of revenue lost to the County
for the current fiscal year by virtue of Exemptions currently in
80 effect is Sixty Thousand, Six Hundred Fourteen Dollars
(\$60,614.00). The Improvements made by or for the use of the
82 Company’s Expanding Business and the Tangible Personal
Property of such Expanding Business are anticipated to first appear
84 on the Orange County ad valorem tax assessment roles on or after
tax year 2017. The estimated revenue loss to the County during
86 the current fiscal year if the Exemption applied for in the

Application was granted for the current fiscal year is Thirty-Seven Thousand, Six Hundred Ninety-Five Dollars (\$37,695.00).

Level and Term of Exemption; Expiration Date. Based upon the information provided by the Company as to the number of jobs to be created and the estimated average annual salaries for such jobs, the Company qualifies for a Level 3 Exemption (seventy-five percent (75%) for a period of seven (7) years) to commence on January 1st of the year in which the Improvements made by or for the use of the Company's Expanding Business and/or any Tangible Personal Property of such Expanding Business first appears on the Orange County ad valorem tax assessment rolls, and shall expire on December 31st of the seventh tax year thereafter. The ability to receive an Exemption for the period granted is conditioned upon the Company: 1) executing the agreement in substantially the form attached hereto as **Exhibit "A,"** attached hereto; 2) maintaining the Expanding Business throughout the seven (7) year Exemption period; and 3) continued compliance with the requirements of this Ordinance and the Program Ordinance, including, but not limited to, the submission of an annual renewal statement and an annual report. Should the Company fail to satisfy the conditions set forth in this Ordinance, the Board may revoke the Exemption or take such other action with respect to the Exemption as it deems appropriate, as provided for in the Program Ordinance.

Grant of Exemption. After consideration of the Application, which includes the report of the Property Appraiser as required by the Program Ordinance, and applying the exemption criteria set forth in Section 7 thereof, the Board hereby grants and establishes an Exemption of seventy-five percent (75%) of the assessed value of the Improvements made by or for the use of the Company's Expanding Business located at 7675 Lake Nona Boulevard, Orlando, Florida 32827, and of all Tangible Personal Property of such Expanding Business for a period of seven (7) years, provided that the Improvements are made or the Tangible Personal Property is added or increased on or after the day this Ordinance is adopted. For purposes of this Ordinance, the terms "Improvements" and "Tangible Personal Property" shall include only those improvements and tangible personal property pertaining to the construction of the Company's new training center facility. As a condition to receiving the Exemption, the Company shall abide by the terms and conditions set forth in this Ordinance and the Program Ordinance, and any and all amendments thereto, including, but not limited to, entering into an agreement with the County to ensure that the Company satisfies all requirements

134 associated with the granting and continuation of the Exemption, as
135 well as any policies and procedures related to the Program, as may
136 be adopted from time to time. Failure to abide by the same may
137 result in a revocation of the Exemption and the recovery of all
138 taxes not paid on Tangible Personal Property as a result of the
139 Exemption, as provided for in the Program Ordinance. No
140 Exemption shall be granted for the land upon which the
Company's Existing Business is located.

142 **Applicability.** The Exemption shall apply only to ad
valorem taxes levied by the County. The Exemption shall not
144 apply to taxes or assessments levied by any County municipal
service taxing or benefit unit, municipality, school district, or water
146 management district, or to taxes levied for the payment of bonds or
taxes authorized by a vote of electors pursuant to Section 9(b) or
148 12, Article VII of the Florida Constitution.

150 **Nullification of the Exemption.** In the event that,
subsequent to the adoption of this Ordinance, the Administrator
152 receives written notice that the Company has determined not to
undertake or complete the activity giving rise to the Exemption
154 granted pursuant to this Ordinance, the Exemption so granted shall
be void, shall not take effect, and shall not be implemented. If
156 such notice is received, this section shall be self-executing and no
further action of the Board will be required to void the Exemption.
158 Following the County's receipt of such notice, the Administrator
shall forward a copy thereof to the Property Appraiser along with a
160 copy of this Ordinance.

162 **Section 2. Effective date.** This ordinance shall become effective as provided by
general law.

164 THIS EXEMPTION GRANTED this _____ day of _____, 2017.

166 **ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

168 By: _____

170 Teresa Jacobs
Orange County Mayor

172 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

174 By: _____

176 Deputy Clerk

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