

ORDINANCE NO. 2019-__

2 **AN ORDINANCE OF ORANGE COUNTY, FLORIDA**
4 **RELATING TO TAXATION; GRANTING AN ECONOMIC**
6 **DEVELOPMENT EXEMPTION FROM CERTAIN AD**
8 **VALOREM TAXATION FOR AMICUS BIOLOGICS, INC.,**
10 **A NEW BUSINESS; PROVIDING FOR DEFINITIONS;**
12 **PROVIDING FINDINGS; PROVIDING FOR THE**
14 **ESTIMATED REVENUE LOSS ATTRIBUTABLE TO THE**
 EXEMPTION GRANTED TO AMICUS BIOLOGICS, INC.;
 PROVIDING THE LEVEL OF EXEMPTION AND TERM
 THE EXEMPTION WILL REMAIN IN EFFECT;
 PROVIDING FOR APPLICABILITY; PROVIDING AN
 EFFECTIVE DATE.

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

22 **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

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

32 **WHEREAS**, Amicus Biologics, Inc., a Florida corporation ("Company"), submitted an
34 application for an exemption for a new business, attached hereto as **Exhibit "A"** ("the
Application"); and

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

40 **WHEREAS**, the Company has met the requirements to qualify as a new business under
the Program; and

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

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

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

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

A new economic development exemption from certain ad valorem taxation for Amicus
8 Biologics, Inc. is enacted to read as follows:

10 **Title.** This Ordinance shall be known as the "Amicus
Biologics, Inc. Economic Development Ad Valorem Tax
Exemption Ordinance."

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

16 **Findings.** The Board, based on the Application submitted
18 by the Company regarding its gene therapy manufacturing plant, to
be located on unplatted property near the intersection of
20 Narcoossee Road and Tavistock Lakes Boulevard (Parcel ID# 36-
34-30-0000-00-004), and at 9801 Lake Nona Club Drive, both in
22 Orlando, Florida 32827 ("New Business"), and the report of the
Property Appraiser, and in accordance with the procedures set
24 forth in the Program Ordinance, finds that the Company has met all
the requirements of the Program Ordinance and meets the
26 requirements of Section 196.012(14), Florida Statutes, and that
granting the Exemption granted by this Ordinance will result in an
28 economic benefit to Orange County.

30 **Ad valorem tax revenues.** The total amount of revenue
available to the County from ad valorem tax sources for the current
32 fiscal year is Five Hundred Seventy-Eight Million, Eight Hundred
Forty-Two Thousand, Two Hundred Eighty-Three Dollars
34 (\$578,842,283.00). The total amount of revenue lost to the County
for the current fiscal year by virtue of Exemptions currently in
36 effect is One Hundred Thirty-Five Thousand, Five Hundred
Twenty-Five Dollars (\$135,525.00). The Improvements made by
38 or for the use of the Company's New Business and the Tangible
Personal Property of such New Business are anticipated to first
40 appear on the Orange County ad valorem tax assessment roles on
or after tax year 2019. The estimated revenue loss to the County

2 during the current fiscal year if the Exemption applied for in the
Application was granted for the current fiscal year is Forty-Two
4 Thousand, One Hundred Ninety-Six Dollars (\$42,196.00).

6 **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
8 such jobs, the Company qualifies for a Level 3 Exemption
(seventy-five percent (75%) for a period of seven (7) years) to
10 commence on January 1st of the year in which any of the
Improvements made by or for the use of the Company's New
12 Business and/or any Tangible Personal Property of such New
Business first appears on the Orange County ad valorem tax
14 assessment rolls, and shall expire on December 31st of the seventh
tax year thereafter. The ability to receive an Exemption for the
16 period granted is conditioned upon the Company: 1) executing the
agreement in substantially the form attached hereto as **Exhibit**
18 **"B,"** attached hereto (without exhibits); 2) maintaining the New
Business throughout the seven (7) year Exemption period; and 3)
20 continued compliance with the requirements of this Ordinance and
the Program Ordinance, including, but not limited to, the
22 submission of an annual renewal statement and an annual report.
Should the Company fail to satisfy the conditions set forth in this
24 Ordinance, the Board may revoke the Exemption or take such
other action with respect to the Exemption as it deems appropriate,
26 as provided for in the Program Ordinance.

28 **Grant of Exemption.** After consideration of the
Application, which includes the report of the Property Appraiser as
30 required by the Program Ordinance, and applying the exemption
criteria set forth in Section 7 thereof, the Board hereby grants and
32 establishes an Exemption of seventy-five percent (75%) of the
assessed value of all Improvements made by or for the use of the
34 Company's New Business located on unplatted property near the
intersection of Narcoossee Road and Tavistock Lakes Boulevard
36 (Parcel ID# 36-34-30-0000-00-004), and at 9801 Lake Nona Club
Drive, both in Orlando, Florida 32827, and of all Tangible
38 Personal Property of such New Business for a period of seven (7)
years, provided that the Improvements are made or the Tangible
40 Personal Property is added or increased on or after the day this
Ordinance is adopted. As a condition to receiving the Exemption,
42 the Company shall abide by the terms and conditions set forth in
this Ordinance and the Program Ordinance, and any and all
44 amendments thereto, including, but not limited to, entering into an
agreement with the County to ensure that the Company satisfies all
46 requirements associated with the granting and continuation of the

Exemption, as well as any policies and procedures related to the Program, as may be adopted from time to time. Failure to abide by the same may result in a revocation of the Exemption and the recovery of all taxes not paid on Tangible Personal Property as a result of the Exemption, as provided for in the Program Ordinance. No Exemption shall be granted for the land upon which the Company's New Business is located.

Applicability. The Exemption shall apply only to ad valorem taxes levied by the County. The Exemption shall not apply to taxes or assessments levied by any County municipal service taxing or benefit unit, municipality, school district, or water 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 12, Article VII of the Florida Constitution.

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

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

THIS EXEMPTION GRANTED this ____ day of _____, 2019.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

By: _____
Deputy Clerk