

# MEMORANDUM

Agenda Item No. 14(A) (1)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** September 3, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution approving  
Confidential Project Express  
as a Qualified Target Industry  
Business Pursuant to Florida  
Statute 288.106

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The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** September 3, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Approving Qualified Target Industry Tax Refund for Confidential Project Express

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## Recommendation

The Beacon Council, on behalf of a firm requesting confidentiality, has submitted an application for economic development incentives from the State of Florida (State) and Miami-Dade County that require approval from the Board of County Commissioners (Board). It is recommended that the Board approve the attached resolution authorizing Confidential Project Express to be recognized by the State as a Qualified Target Industry (QTI) business and entitled to the financial benefits afforded under the Qualified Target Industry Tax Refund Program.

## Scope

The business operations of this project will create 60 new full-time equivalent jobs, as defined in Florida Statute Section 288.106, over a two-year period. This project is considering leasing and building out approximately 14,513 square feet of an existing building. This project is considering a location in District 12 (Commissioner Jose "Pepe" Diaz), however, it will have a positive impact countywide.

## Fiscal Impact / Funding Source

Confidential Project Express has applied for a total of \$180,000.00 in Qualified Target Industry tax refunds over a five-year period, of which 80 percent (\$144,000.00) would be provided by the State and 20 percent (\$36,000.00) will be the local match provided by Miami-Dade County. If the accompanying resolution is approved by the Board, the County is committed to providing an award of no greater than \$36,000.00 (or \$600.00 per new job) in matching funds from countywide general fund revenues over a five-year period beginning in FY 2015-2016. The projected countywide tax revenue over the five-year period of the incentives is insufficient to fund the award and therefore, general fund would have to contribute \$18,742 to fund the incentive. Thus, this project will not generate any net revenues to the county. Generating sufficient countywide general fund revenue to cover the County's local match for the award, however, is not a condition of the Qualified Target Industry Tax Refund Program. However, the annualized average wage for each new job is \$96,800.00. The County's 20 percent local match is required when the State determines that Confidential Project Express has created 60 new jobs and met the average salary threshold required in the State's tax refund agreement according to the schedule set forth in the *Project Overview* and the attached resolution. The disbursement schedule and the anticipated dates for job creation are subject to change at the discretion of the Florida Department of Economic Opportunity.

## Track Record/Monitor

Qualified Target Industry funds awarded for job creation are provided on a matching basis upon the State invoicing the County for its 20 percent of the financial commitment for jobs created and verified by the State. The incentive amount is determined by the new jobs created and their annual salary. The State is responsible for verifying compliance with the terms of the award. The County's matching funds

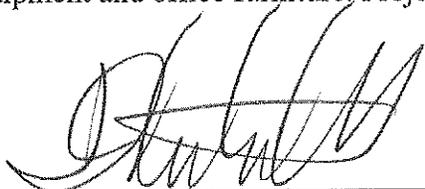
are distributed only if the applicant complies with the commitment to create the number of new jobs indicated in the accompanying Qualified Target Industry application (see Attachment to the General Project Overview) and all other conditions of the incentive program. Qualified Target Industry incentive payments are contingent upon the company meeting its target jobs. The County, under the direction of Deputy Director of Regulatory and Economic Resources, Josh Gelfman, will require access to the company's real estate and tangible personal property filings during the incentive period to monitor the fiscal impact to the general fund from the Qualified Target Industry tax refund program.

**Background**

Confidential Project Express is a global hotel operator which is seeking to consolidate and relocate its American management regional administrative office (NAICS # 551114) in Miami-Dade County. This project is considering expanding its offices by leasing and building-out a 14,513 sq. ft. existing facility.

The company would employ 60 new workers paying an average annual salary of \$96,800.00, which represents over 200% of the State average wage. Employee benefits associated with each new job created will be \$24,200.00 according to the documents submitted by The Beacon Council. The value of employer provided benefits, however, is not a requirement of the tax refund agreement with the State, or County's local match.

The company states in its application that if the incentive is approved it will make a capital investment of \$875,000.00 of which \$860,000.00 is allocated to the build out of leased space (leasehold improvements), and \$15,000.00 of tangible personal property, including but not limited to computer equipment and office furniture. Project details are summarized in the attached chart.



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Jack Osterholt, Deputy Mayor

**CONFIDENTIAL PROJECT EXPRESS SUMMARY SHEET**

<b>APPLICANT:</b>	Confidential Project Express
<b>HEADQUARTERS LOCATION:</b>	Miami-Dade County
<b>PROPOSED LOCATION IN MIAMI-DADE COUNTY:</b>	TBD
<b>OTHER LOCATIONS UNDER CONSIDERATION:</b>	None
<b>DATE OF QTI/TJIF APPLICATIONS:</b>	April 1, 2014
<b>OVERALL BUSINESS ACTIVITY/MISSION:</b>	Administrative Services
<b>PROPOSED LOCAL BUSINESS ACTIVITY:</b>	Lease/renovate a facility to house their regional management offices
<b>PROPOSED CAPITAL INVESTMENT:</b>	\$875,000.00 (Not a condition of the award)
<b>TARGETED QUALIFIED INDUSTRY:</b>	Administrative Services
<b>LOCATION IN DESIGNATED PRIORITY AREA?</b>	No
<b>NEW BUSINESS OR EXPANDING BUSINESS:</b>	New location Business Unit
<b>TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:</b>	60 by 12/31/2015
<b>EFFORT IN HIRING RESIDENTS IN LOCAL AREA:</b>	unknown
<b>ANNUALIZED AVERAGE WAGES FOR NEW JOBS:</b>	\$96,800.00
<b>ANNUAL EMPLOYEE BENEFIT PACKAGE:</b>	\$24,200.00 (Not a condition of incentive award)
<b>NUMBER OF INDIRECT JOBS TO BE CREATED:</b>	20
<b>NUMBER OF YEARS TO CREATE NEW JOBS:</b>	2
<b>MAXIMUM TAX REFUND PER DIRECT JOBS:</b>	\$3,000.00
<b>MAXIMUM INCENTIVE AWARD APPLIED FOR:</b>	\$180,000.00
<b>PROJECTED INCREMENTAL COUNTY TAX REVENUE:</b>	(\$18,842) (Not a condition of the award)
<b>COUNTY'S MAXIMUM 20% QUALIFIED TARGET INDUSTRY AWARD:</b>	\$36,000.00
<b>STATE'S MAXIMUM 80% QUALIFIED TARGET INDUSTRY AWARD CONTRIBUTION:</b>	\$144,000.00
<b>TYPE OF FUNDS REQUESTED IN APPLICATION:</b>	Countywide General Fund Revenues
<b>COMMENTS:</b> summary sheet prepared by RER from information and data provided by the Beacon Council.	



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** September 3, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(1).

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(1)  
9-3-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING CONFIDENTIAL PROJECT EXPRESS AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO FLORIDA STATUTE 288.106; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT EXPRESS EXIST; AND PROVIDING FOR AN APPROPRIATION OF UP TO \$36,000.00 FROM GENERAL REVENUE FUNDS AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2015 THROUGH 2020 INCLUSIVE, OR OVER A TIME PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT EXPRESS; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, Economic Impact Overview and General Project Overview, copies of which are incorporated herein by reference; and

**WHEREAS**, The Beacon Council has submitted an application for economic development incentives from the State of Florida and Miami-Dade County on behalf of Confidential Project Express to be recognized by the State as a Qualified Target Industry business and entitled to the financial benefits afforded under the Qualified Target Industry Tax Refund Program; and

**WHEREAS**, Confidential Project Express commits to create 60 full-time equivalent jobs, as defined in Florida Statute Section 288.106, in Miami-Dade County by December 31, 2015 with an average salary of \$96,800.00, which is at least 200 percent of the state average wage; and

**WHEREAS**, the tax refunds provided under the Florida Qualified Target Industry Tax Refund Program to Confidential Project Express may be prorated by the State of Florida pursuant to the terms of the General Project Overview in the event that Confidential Project Express creates fewer than 60 full-time equivalent jobs; and

**WHEREAS**, the County wishes to monitor the economic and fiscal impacts of the Qualified Target Industry Tax Refund Program in Miami-Dade County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves Confidential Project Express as a Qualified Target Industry business pursuant to Florida Statute 288.106, which created the Qualified Target Industry Tax Refund Program.

The necessary commitment of local financial support for Confidential Project Express as required under the Florida Statute 288.106, exists in an amount not to exceed \$36,000.00 from Miami-Dade County's general funds and this local financial support will be available in the following increments:

Fiscal Year 2015-2016	\$7,200.00
Fiscal Year 2016-2017	\$7,200.00
Fiscal Year 2017-2018	\$7,200.00
Fiscal Year 2018-2019	\$7,200.00
Fiscal Year 2019-2020	\$7,200.00
<b>Total</b>	<b>\$36,000.00</b>

or payable over a time period and at annual amounts as determined by the State of Florida in its approval of the Confidential Project Express application, as long as the \$36,000.00 is not exceeded with the provision that any tax abatement grant to Confidential Project Express under Florida Statute 196.1995, reduces any QTI tax refund by the amount of any such abatement granted, in compliance with Florida Statute 288.106(6)(d); and the County's funds will be paid to the Florida Economic Development Trust Fund with the stipulation that these funds are intended

to represent the "local financial support" required by Florida Statute 288.106 for Confidential Project Express, in compliance with the QTI Program.

The necessary commitment of local financial support shall be contingent upon Confidential Project Express maintaining the jobs during the life of the incentive, ensuring that its hiring practices aspire to be consistent with and reflect the diversity of the Miami-Dade County community, and provides the County with access to tax information and documents necessary to monitor economic and fiscal impacts of the designation of Confidential Project Express as a Qualified Target Industry business.

The anticipated dates for the job creation and disbursement of the incentive awards are subject to change at the discretion of the Florida Department of Economic Opportunity. However, the County's 20 percent local match will not exceed \$36,000.00.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of Septebmer, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Shannon D. Summerset-Williams



THE BEACON COUNCIL

June 11, 2014

Mr. Jack Osterholt  
Deputy Mayor  
Miami-Dade County  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, Suite 2910  
Miami, FL 33128

RE: Confidential Project: Express

Dear Mr. Osterholt:

Attached you will find an application for the State of Florida's Qualified Targeted Industry Tax Refund Program (QTI). Confidential Project: Express is a global hotel operator and market leader that is consolidating and relocating their America's management office to Miami-Dade County.

The company is applying for the QTI program and will create 60 new jobs over a 2-year period with an average salary of \$96,800 and is committed to a new capital investment of \$875,000 in Miami-Dade County.

We are referring this application to your office for review and preparation of a resolution to the Miami-Dade Board of County Commissioners requesting a maximum of \$36,000, representing Miami-Dade's 20% QTI portion, to be paid over a period of five years. Attached is the project briefing book as well as the economic impact analysis prepared by The Beacon Council's Research Department.

We are requesting that the item be placed on the next possible BCC agenda.

We look forward to working together for the benefit of the economic development of Miami-Dade County. If you have any questions, please contact me at (305) 579-1343.

Sincerely,

Stephen Beatus  
Executive Vice President  
Economic Development

Enclosures

Cc:  
Josh Gelfman, Deputy Director, RER  
Dimitrios "Jimmy" Nares, Office of Economic Development and International Trade

Miami-Dade  
County's  
Official  
Economic  
Development  
Partnership

80 Southwest  
Eighth Street  
Suite 2400  
Miami, Florida  
33130  
T: 305.579.1300  
F: 305.375.0271  
[www.beaconcouncil.com](http://www.beaconcouncil.com)

# **Florida Qualified Target Industry Tax Refund (QTI)**

**Confidential Project: Express**

**June 11, 2014**

**Prepared by the Beacon Council**

## **Executive Summary for Confidential Project: Express**

### **Background**

Confidential Project: Express is a global hotel operator and market leader that is consolidating and relocating their America's management office to Miami-Dade County. The project will create 60 direct new jobs with an average annualized salary of \$96,800 in Miami-Dade County over a 2-year period and make a new capital investment of \$875,000. The average salary of \$96,800 represents over 200% of the State average wage.

Based on the projected capital investment of \$875,000 in new real property, Confidential Project Express will generate \$67,500 in new Miami-Dade County Property Taxes over 5 year period. Of this amount, \$50,342 represents new tax generation that will be committed to Miami-Dade County Public Schools, Libraries, the Fire Department, etc. The balance of \$17,158 in new Miami-Dade County Property Taxes will be committed to the Miami-Dade County General Fund.

Based on the projected job creation of 60 new jobs with an average salary of \$96,800 in 2 years, Confidential Project Express will generate \$39,311,100 in direct and indirect wages over a 5 year period.

### **Basic Assumptions**

- The latest Miami-Dade County millage tax rates (2013) were used.
- This latest millage rate was used for the entire 5-year period analysis.

### **Recommendation**

The enclosed QTI application package requests a maximum of \$36,000 (20% of total incentive) to be paid by the County over a period of five years. This award recognizes the creation of new, high-paying jobs and that the project is the relocation of the America's headquarters for a global publicly traded company.

Of Miami-Dade County's \$36,000 contribution to the QTI, a total of \$17,158 can be derived from the Miami-Dade County General Fund. Therefore, Miami-Dade County must commit to contribute an additional \$18,842, resulting in a net revenue benefit of 1:0.48.

**This is a performance-based incentive. No funds will be provided to the Company until they meet all program and job creation requirements. The incentive that is provided is not a cash grant; it is an after-the-fact, performance-based refund.**

## INCENTIVE PROPOSAL SUMMARY

### Confidential Project: Express

Project Summary:	
Project Name	Confidential Project: Express
New Jobs	60
Average Salary	\$96,800
New Capital Investment	\$875,000
New Square Footage	14,513
QTI Breakdown:	
Miami-Dade County Incremental Tax Revenue	\$17,158
QTI Miami-Dade County Match (20%)	\$36,000
Net Revenue Benefit to Miami-Dade	-\$18,842
Total Cost-Benefit Ratio	1:0.48

**APPLICATION\***  
**Public Companies**

**1. BUSINESS INFORMATION**

- A. Legal name of the Applicant: Confidential Project Express
- B. Name of Ultimate Parent Company (if applicable):
- C. Applicant's or Ultimate Parent Company's (if applicable) ticker symbol:
- D. Applicant's Federal Employer Identification Number:  
(Please complete either the substitute W-9 Form at the end of this application or attach a completed IRS Form W-9.)
- E. Applicant's Reemployment Assistance Number:
- F. Applicant's Florida Sales Tax Registration Number (if applicable):
- G. Total number of employees (on a Full-Time Equivalent Job Basis) who are currently employed by the Ultimate Parent Company and its Subsidiaries (including the Applicant) in Florida: 213
- H. Total number of employees (on a Full-Time Equivalent Job Basis) who are currently employed by the Ultimate Parent Company and its Subsidiaries (including the Applicant) worldwide: 160,000
- I. Is it presently anticipated that the Applicant will have corporate income tax liability in Florida?  
Yes  No

**2. PROJECT OVERVIEW**

- A. Which of the following best describes the Applicant:  
 New business to Florida (expanding operations to include a headquarters location)  
 Existing Florida business creating and/or retaining jobs<sup>1</sup>
- 
- B. How many employees of the Applicant, the Ultimate Parent Company and its Subsidiaries (other than the Applicant) will be transferred from other Florida locations in connection with this Project (on a Full-Time Equivalent Job Basis)? 0
- C. Please describe the Project, including the specific business activity(ies) of the Project:  
Confidential Project Express, a leading hotel operator and market leader in Europe, is present in 92 countries with more than 3,500 hotels and 450,000 rooms. With more than 160,000 employees in hotels worldwide, the Confidential Project Express offers to its clients

\* For an explanation of certain capitalized terms used in this Application, please see Appendix 1.

<sup>1</sup> A QTI Tax Refund award cannot be granted for existing Florida jobs.

and partners nearly 45 years of know-how and expertise. Revenues for 2013 were \$5.536 billion. The current North American headquarters is split between New York and Dallas. As the organization seeks to penetrate further the North and South American markets, a decision was made to bring them together in one of the two cities or a "gateway" city to South America.

D. What is the anticipated commencement date of the Project? October 1, 2014

E. Break down of the Project's primary business activity(ies) and the corresponding wages:

Applicant's Activities	6 Digit NAICS Code(s)	Project Function (total = 100%)	Average Annualized Wage (\$)
Administration	551114	100%	\$96,800
		%	\$
		%	\$

F. Please provide the address of the proposed permanent location of the Project:

*Street Address*

Doral

FL

33122

City

State

Zip Code

G. Will the Project be located in a current or proposed Brownfield Area Eligible for Bonus Refunds?

Yes  No

Will the Project be located in an Enterprise Zone?

Yes  No  If yes, which zone?

Will the Project be located in a designated Rural Area of Critical Economic Concern?

Yes  No  If yes, which area?

Will the Project be located in a Rural Community?

Yes  No  If yes, which area?

Will the Project be located in an Urban area<sup>2</sup>?

Yes  No  If yes, describe?

H. Which of the following best describes the location of the Project:

Regional headquarters

If it is a regional headquarters, what region? North America, Central America and the Caribbean

National headquarters

International headquarters

Not applicable

I. Please provide an estimate of the percentage of goods or services from this Project that will be sold or delivered to customers outside of Florida:

0% Explain, if necessary:

### 3. JOB AND WAGE OVERVIEW

A. How many new-to-Florida Full-Time Equivalent Jobs are projected to be created 60

<sup>2</sup> An Urban area may include a Community Redevelopment Area (CRA), Urban Job Tax Credit eligible area, Urban Enterprise Zone, Federal Empowerment Zone, and an Urban Revitalization Area.

as part of this Project?

- B. If the Applicant operates in Florida, how many of the Applicant's Full-Time Equivalent Jobs in Florida that would have otherwise moved to another state are projected to be retained as part of this Project? 0
- C. What is the projected annualized average wage (excluding benefits) of the new Full-Time Equivalent Jobs Florida jobs created as part of this Project?<sup>3</sup> \$ 96,800
- D. What is the projected annualized average cost to the Applicant of benefits for each new Full-Time Equivalent Florida Job created as part of this Project? \$24,200
- E. Please indicate the benefits that are included in the above calculation (e.g., health insurance, 401(k) contributions, paid vacation and sick leave, etc.)?  
 Medical, dental, vision and life insurance; 401(k) matching contribution; paid holidays, vacations and sick leave; employee assistance program

**4. CAPITAL INVESTMENT OVERVIEW**

- A. Describe the capital investment in connection with the Project in real and personal property (Examples: construction of new facility; remodeling of facility; upgrading, replacing, or buying new equipment.):  
 \$875,000
- B. Identify whether the Project be located in a/an:  
 Leased space with renovations or build out  
 Newly constructed building(s) on newly acquired land  
 Newly constructed building(s) on previously acquired land  
 Newly acquired existing building(s) with renovations  
 Addition to previously acquired existing building(s)  
 Other (please describe in 4A above)
- C. List the projected capital investment to be made in Florida in connection with this Project (by type and year):

Calendar Year :	2014					Total
Land or Building Purchase	\$	\$	\$	\$	\$	\$
Construction / Renovations	\$860,000	\$	\$	\$	\$	\$
Manufacturing Equipment	\$	\$	\$	\$	\$	\$
R&D Equipment	\$	\$	\$	\$	\$	\$
Other Equipment (computer equipment, office furniture, etc.)	\$15,000	\$	\$	\$	\$	\$
Total Capital Investment	\$875,000	\$	\$	\$	\$	\$

<sup>3</sup> All cash payments to the employees (other than reimbursements of business expenses) should be included.  
 Revised 10/13 Page 3 of 6

D. List the projected capital investment to be made outside of Florida in connection with this Project (by type and year):

Calendar Year :						Total
Land or Building Purchase	\$	\$	\$	\$	\$	\$
Construction / Renovations	\$	\$	\$	\$	\$	\$
Manufacturing Equipment	\$	\$	\$	\$	\$	\$
R&D Equipment	\$	\$	\$	\$	\$	\$
Other Equipment (computer equipment, office furniture, etc.)	\$	\$	\$	\$	\$	\$
Total Capital Investment	\$0	\$	\$	\$	\$	\$

E. What is the estimated square footage of the new or expanded facility? 14,513

**5. COMPETITIVE LANDSCAPE**

- A. What role will the incentive(s) play in the Applicant’s decision to locate the Project in Florida (e.g., important, critical, etc.)?  
As the consolidation was explored, key personnel retention was critical. In evaluating the Miami area, there was pushback from employees in relocating. Employee relocation packages had to be increased to retain certain key personnel; therefore the incentives will partial off-set the additional cost.
- B. What other states or countries is the Applicant considering for this Project?  
The consolidation could have occurred at either of the current locations (New York or Dallas)
- C. What advantages or incentives offered by these locations does the Applicant consider important in its decision?  
The advantages to those other locations were that it would have minimized the attrition of key personnel.
- D. What advantages or disadvantages offered by the proposed Florida location does the Applicant consider important in its decision?  
Air access to South America and Europe
- E. Indicate any additional internal or external competitive issues impacting the Applicant’s decision regarding the Project’s location?  
Consolidation to the Dallas area would have been a more cost-effective decision, but perhaps not the best decision for expanding business opportunities.

**CONFIDENTIALITY**

In accordance with Section 288.075 of the Florida Statutes, the Applicant may request that Enterprise Florida, Inc. and the Department of Economic Opportunity maintain the confidentiality of all information regarding this project (including information contained in this application) for the lesser of a 12 month period after the date of this application (which may be extended for an additional 12 months upon request), 6 months after the issuance of the final project order approving the project or until the information is otherwise disclosed.

Please indicate whether the Applicant is requesting confidential treatment of this project in accordance with Section 288.075 of the Florida Statutes. (Does not apply to SDST sales tax exemption applicants.)

x Yes       No

**7. SIGNATURE**

The undersigned person hereby affirms that he or she has been duly authorized and empowered to verify, execute and deliver this Application, that he or she has read this Application (including all attachments hereto) and he or she has knowledge of all of the facts stated herein, and that this Application, and all information submitted in connection herewith, is complete and accurate and contains no misstatements, misrepresentations, or omissions of material facts, to the best of his or her knowledge and belief.

<u>Signature</u>		<u>Date</u>
<u>Name</u>		
<u>Title</u>		
<u>Company</u>		

\*\*\*Please be sure to attach the proper incentive attachment sheet(s)\*\*\*

## APPENDIX 1

### EXPLANATION OF TERMS

The following terms used in this Application have the meanings set forth below:

**AFFILIATE** – An entity that is controlled, directly or indirectly, by the ultimate parent entity of such person.

**APPLICANT** – The entity(ies) that will satisfy all job creation and capital investment requirements under the incentive agreement with the Department and which are applying on or amending this Application.

**BROWNFIELD AREA ELIGIBLE FOR BONUS REFUNDS** – Has the meaning ascribed to such term in Section 288.107 of the Florida Statutes.

**CONTROL** – The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person or entity that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 50% or more of a class of a voting security or has the power to sell or direct the sale of 50% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 50% or more of the capital, is presumed to control that company.

**DEPARTMENT** – The Department of Economic Opportunity.

**ENTERPRISE ZONE** – Has the meaning ascribed to such term in Section 288.106 of the Florida Statutes.

**FELONY** – For jurisdictions that do not differentiate between a felony and a misdemeanor, a felony is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least \$1,000. The term also includes a general court martial.

**FOUND** – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.

**FULL-TIME EQUIVALENT JOB** – One employee or two or more employees (without duplication) who perform at least 40 hours of paid work per week.

**JOBS** – Has the meaning ascribed to such term in Section 288.106 of the Florida Statutes.

**MISDEMEANOR** – For jurisdictions that do not differentiate between a felony and a misdemeanor, a misdemeanor is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than \$1,000. The term also includes a special court martial.

**NAICS** – Those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated from time to time.

**ORDER** – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an order.

**PRINCIPAL EXECUTIVE OFFICER** – With respect to any entity, such entity's chief executive officer, chief financial officer, chief operations officer or any person who performs similar functions regardless of title.

**PROJECT** – Has the meaning ascribed to such term in Section 288.106 of the Florida Statutes.

**RURAL AREA OF CRITICAL ECONOMIC CONCERN** – Has the meaning ascribed to such term in Section 288.0656 of the Florida Statutes.

**RURAL COMMUNITY** – Has the meaning ascribed to such term in Section 288.0656 of the Florida Statutes.

**SUBSIDIARY** – An entity that is directly or indirectly controlled by the Applicant or the Ultimate Parent.

**ULTIMATE PARENT** – An entity that directly or indirectly controls the Applicant, which is not directly or indirectly controlled by any other entity.

# Qualified Target Industry Tax Refund Attachment to the General Project Overview

## Confidential Project Express

Name of Business

FOR EFI USE ONLY		
Date Received	Date Revised	Date Completed
<hr style="width: 50%; margin: 0 auto;"/> EFI Project Number		

*Must be a separate business unit or reporting unit of a business unit that is or will be registered with the State of Florida for unemployment compensation purposes.*

**IMPORTANT NOTE:** This application must be filed and the incentive approved *prior* to making the decision to expand an existing Florida business unit or to locate a new business unit in Florida.

**\*\*\*Be sure to submit the General Project Overview and Local Support Resolution<sup>1</sup> following passage by the City / County\*\*\***

### 1. PROJECT EMPLOYMENT AND WAGE COMMITMENTS

- A. What is the total number of net new full-time equivalent Florida jobs created by the project at the business unit<sup>2</sup>?** 60
- B. Provide the job creation schedule to which you commit:** (Please limit the phases to a maximum of three consecutive years and job creation to no less than ten jobs in the first year).

Phase	Number of net new full-time equivalent Florida jobs created in the business unit	Date by which jobs will be created
I	54	12/31/2014
II	6	12/31/2015
III	0	12/31/2016
<b>Total</b>	<b>60</b>	

- C. For the purposes of certification, agreement, and claim review, indicate the average wage and corresponding threshold (percentage) to which you commit:**  
Check the relevant box (only one) and fill in the first field (wage commitment) and second field (county, state, or MSA used).
- \$\_\_\_\_\_, which is at least 115% of the average wage in \_\_\_\_\_.
- \$\_\_\_\_\_, which is at least 150% of the average wage in \_\_\_\_\_.
- \$96,800, which is at least 200% of the average wage in Miami-Dade County.

### 2. LOCAL FINANCIAL SUPPORT

- A. Identify the local government(s) anticipated to provide local financial support<sup>3</sup>:**  
Miami-Dade County
- B. Indicate the date(s) the QTI support resolution(s) is / are anticipated to be passed by the local government:**

<sup>1</sup> Submit the resolution adopted by the local governing body recommending the applicant be approved as a QTI Business unit and indicating the amount of local financial support that has been committed. Resolution should clearly indicate waivers requested and justification for such waivers.

<sup>2</sup> Must be a minimum of 10 new jobs and a 10 percent increase in current business unit employment (if an existing Florida business).

<sup>3</sup> The total QTI award may not exceed five times the local financial support provided by the community. If the community has requested a local financial support waiver or the support is provided in the form of ad valorem tax abatement, the QTI award will be reduced by this amount.

# Qualified Target Industry Tax Refund Attachment to the General Project Overview

## 3. SIGNATURES

Signature of Individual Completing this Attachment (if different from General Project Overview)	Date
Address (if different)	Phone Number (if different)
Signature (Authorized Company Officer) <b>REQUIRED</b>	Date
Name and Title of Authorized Officer	

## 4. KEY QTI PROGRAM INFORMATION

- The tax refund claim form will be due by January 31<sup>st</sup> each year for the number of jobs on December 31<sup>st</sup> of the previous calendar year. Tax refunds paid per state fiscal year (July 1 – June 30) may not exceed 25 percent of the total tax refund award associated with the phase(s) scheduled.
- The total award will be equal to \$3,000 (\$6,000 in Enterprise Zones or Rural Counties) times the number of jobs reported in item 1A. Additional per job bonuses may be available; however, the QTI award may not exceed five times the local financial support paid by the community.
  - \$1,000 per job if the average annual wage is at least 150% of the area's average; or \$2,000 per job if the average annual wage is at least 200%.
  - \$2,000 per job if the business falls within a designated high impact sector OR if the business increases exports of its goods through a seaport of airport in the state by at least 10 percent in value or tonnage in each year of receiving a QTI refund.
  - \$2,500 per job if the project locates in a designated Brownfield area (Brownfield Bonus).
  - \$1,000 per job if the local financial support is equal to the base QTI award.
- If in any year the applicant does not achieve the job creation schedule outlined in item 1C, but achieves at least 80% of the required net new jobs, the company will receive a pro-rated refund less a 5% penalty of the scheduled award amount for that year. **If job creation falls below 80% of the required jobs, the company will not receive a refund and will be terminated from the program. Similarly, if the average wage falls below the wage committed to in 1C, the company will not receive a refund and will be terminated from the program.**
- For an expanding Florida business unit:
  - Existing number of full-time equivalent Florida jobs must be maintained for the duration of the QTI agreement.
  - The average wage commitment should include wages paid for only the net new to Florida jobs, as shown on the unit's UCT-6 form. The applicant will be required to establish a tracking mechanism to distinguish between existing versus new jobs and employees filling those jobs. Contact Enterprise Florida for more information.
- QTI eligible jobs are those that are physically located within the State of Florida and located at the facility listed as the proposed location address in question 2G of the General Project Overview or subsequent QTI contract with the State of Florida. If any jobs will not be physically located at the proposed location address, contact Enterprise Florida to discuss the situation. Jobs that are paid out of the proposed location address facility but are not located at that facility or in the State of Florida are not considered net new jobs for QTI purposes.
- A qualified target industry business that fraudulently claims a refund under 288.106(2), Florida Statutes:
  - Is liable for repayment of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.
  - Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- Qualified Target Industry Tax Refund: Section 288.106, Florida Statutes.