

MEMORANDUM

Agenda Item No. 8(M)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Resolution approving
Confidential Project Topper
as a Qualified Target
Industry business pursuant
to Florida Statute Section
288.106

Resolution No. R-31-15

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Date: January 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

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

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 Topper 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 21 new full-time equivalent jobs, as defined in Florida Statute Section 288.106, over a three-year period while retaining 204 current jobs. This project is considering leasing and building out approximately 100,000 square feet of an existing building to establish its international headquarters. This project is considering expanding its current location in the Central Enterprise Zone in District 2 (Commissioner Jean Monestime), however it will have a positive impact countywide.

Fiscal Impact / Funding Source

Confidential Project Topper has applied for a total of \$126,000.00 in Qualified Target Industry tax refunds over a six-year period, of which 80 percent (\$100,800.00) would be provided by the State and 20 percent (\$25,200.00) 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 \$25,200.00 (or \$1,200.00 per new job) in matching funds from countywide general fund revenues over a six-year period beginning in FY 2015. The projected countywide tax revenues, over the six-year period of the incentives, would create a negative impact of \$7,483.00. 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. The County's 20 percent local match is required when the State determines that Confidential Project Topper has created 21 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. County staff requires 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 Topper is a global outdoor furniture manufacturer. This project is considering expanding its international headquarters/manufacturing facility in the central enterprise zone by renovating a 100,000 sq. ft. building adjacent to its current facility (NAICS Codes #551114, 337127, 337124, 337122) in Miami-Dade County.

The company would employ 21 new workers paying an average annual salary of \$42,446.00, which represents over 100 percent of the State average wage. Employee benefits associated with each new job created will be \$10,687.00, 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 the County's local match. Additionally, this project will require Miami-Dade County to contribute \$7,483.00 in countywide general fund tax revenue over a six-year period.

The company states in its application that if the incentive is approved it will make a capital investment of \$1,250,000.00, of which \$300,000.00 is allocated to construction/renovations (leasehold improvements), \$775,000.00 for manufacturing equipment, and \$175,000.00 for the purchase of computer equipment and office furniture.

The Beacon Council projects that the \$1,250,000.00 in direct investment by Confidential Project Topper will generate approximately \$17,717.00 per year in countywide net revenue benefit to Miami-Dade County over the six (6) years the company is eligible for Qualified Target Industry tax refund incentives. Generating additional countywide general fund revenue, however, is not a condition of the Qualified Target Industry program. Project details are summarized in the attached chart.



Jack Osterholt, Deputy Mayor

CONFIDENTIAL PROJECT TOPPER SUMMARY SHEET	
APPLICANT:	Confidential Project Topper
HEADQUARTERS LOCATION:	Miami-Dade County
PROPOSED LOCATION IN MIAMI-DADE COUNTY:	Confidential
OTHER LOCATIONS UNDER CONSIDERATION:	Carolinas and Georgia
DATE OF QTI/TJIF APPLICATIONS:	November 5, 2014
OVERALL BUSINESS ACTIVITY/MISSION:	To establish an international headquarters
PROPOSED LOCAL BUSINESS ACTIVITY:	Lease/renovate a facility to establish an international headquarters
PROPOSED CAPITAL INVESTMENT:	\$1,250,000.00 (Not a condition of the award)
TARGETED QUALIFIED INDUSTRY:	International Headquarters
LOCATION IN DESIGNATED PRIORITY AREA?	Yes
NEW BUSINESS OR EXPANDING BUSINESS:	Expanding
TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:	21/204
EFFORT IN HIRING RESIDENTS IN LOCAL AREA:	unknown
ANNUALIZED AVERAGE WAGES FOR NEW JOBS:	\$42,446.00
ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$10,687.00 (Not a condition of incentive award)
NUMBER OF INDIRECT JOBS TO BE CREATED:	6
NUMBER OF YEARS TO CREATE NEW JOBS:	3
MAXIMUM TAX REFUND PER DIRECT JOBS:	\$6,000.00
MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$126,000.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$17,717.00 (Not a condition of the award)
COUNTY'S MAXIMUM 20% QUALIFIED TARGET INDUSTRY AWARD:	\$25,200.00
STATE'S MAXIMUM 80% QUALIFIED TARGET INDUSTRY AWARD CONTRIBUTION:	\$100,800.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: summary sheet prepared by RER from information and data provided by the Beacon Council.	



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Agenda Item No. 8(M)(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. 8(M)(1)
1-21-15

RESOLUTION NO. R-31-15

RESOLUTION APPROVING CONFIDENTIAL PROJECT TOPPER AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO FLORIDA STATUTE SECTION 288.106; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT TOPPER EXIST; AND PROVIDING THAT LOCAL FINANCIAL SUPPORT OF UP TO \$25,200.00 FROM COUNTYWIDE GENERAL FUNDS WILL BE AVAILABLE 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 TOPPER

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 (“State”) and Miami-Dade County on behalf of Confidential Project Topper 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 Topper commits to create 21 full-time equivalent jobs, as defined in Florida Statute Section 288.106, in Miami-Dade County by December 31, 2017 with an average salary of \$42,446.00, which is over 100 percent of the State average wage; and

WHEREAS, the tax refunds provided under the Qualified Target Industry Tax Refund Program to Confidential Project Topper may be prorated by the State pursuant to the terms of the General Project Overview in the event that Confidential Project Topper creates fewer than 21 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:

Section 1. This Board approves Confidential Project Topper as a Qualified Target Industry business pursuant to Florida Statute Section 288.106, which created the Qualified Target Industry Tax Refund Program.

Section 2. The necessary commitment of local financial support for Confidential Project Topper, as required under Florida Statute Section 288.106, exists in an amount not to exceed \$25,200.00 from Miami-Dade County's Countywide general funds and this local financial support will be available in the following increments:

Fiscal Year 2015-2016	\$4,200.00
Fiscal Year 2016-2017	\$4,200.00
Fiscal Year 2017-2018	\$4,200.00
Fiscal Year 2018-2019	\$4,200.00
Fiscal Year 2019-2020	\$4,200.00
Fiscal Year 2020-2021	<u>\$4,200.00</u>
Total	\$25,200.00

or payable over a time period and at annual amounts as determined by the State in its approval of the Confidential Project Topper application, as long as the \$25,200.00 is not exceeded with the provision that any tax abatement grant to Confidential Project Topper under Florida Statute Section 196.1995, reduces any QTI tax refund by the amount of any such abatement granted, in compliance with Florida Statute Section 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 Section 288.106 for Confidential Project Topper, in compliance with the QTI Program.

The necessary commitment of local financial support shall be contingent upon Confidential Project Topper 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 Topper 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 \$25,200.00.

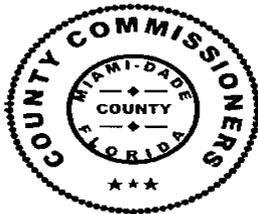
The foregoing resolution was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye
	Esteban L. Bovo, Jr., Vice Chairman	aye
Bruno A. Barreiro	aye	Daniella Levine Cava aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson absent
Sally A. Heyman	absent	Barbara J. Jordan aye
Dennis C. Moss	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	Xavier L. Suarez aye
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Shannon Summerset-Williams", is written over a horizontal line.

Shannon Summerset-Williams



THE BEACON COUNCIL

November 5, 2014

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

RE: Confidential Project: Topper

Dear Mr. Osterholt:

Attached you will find the revised application for Confidential Project: Topper to the State of Florida's Qualified Targeted Industry Tax Refund Program (QTI). The initial application was submitted October 16, 2014. Confidential Project: Topper is a Miami-based global outdoor furniture manufacturer expanding their headquarters and US manufacturing facility in the Central Enterprise Zone of Miami-Dade County. The project will retain 204 jobs, create 21 direct new jobs with an average annualized salary of \$42,446, and make a new capital investment of \$1,250,000 in Miami-Dade County over a 3-year period.

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 \$25,200, representing Miami-Dade's 20% QTI portion, to be paid over a period of six 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:

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

Florida Qualified Target Industry Tax Refund (QTI)

Confidential Project: Topper

October, 2014

Prepared by the Beacon Council

Executive Summary for Confidential Project: Topper

Background

Confidential Project: Topper is a Miami-based global outdoor furniture manufacturer expanding their headquarters and US manufacturing facility in the Central Enterprise Zone of Miami-Dade County. The project will retain 204 jobs, create 21 direct new jobs with an average annualized salary of \$42,446, and make a new capital investment of \$1,250,000 in Miami-Dade County over a 3-year period. The average salary of \$42,446 represents over 100% of the State average wage.

Based on the projected capital investment of \$1,250,000 in new real property, Confidential Project: Topper will generate \$69,700 in new Miami-Dade County Property Taxes over 6 year period. Of this amount, \$52,000 represents new tax generation that will be committed to Miami-Dade County Public Schools, Libraries, the Fire Department, etc. The balance of \$17,717 in new Miami-Dade County Property Taxes will be committed to the Miami-Dade County General Fund.

Based on the projected job creation of 21 new jobs with an average salary of \$42,446 in 3 years, Confidential Project: Topper will generate \$5,496,167 in direct and indirect wages over a 6 year period.

Basic Assumptions

- The latest Miami-Dade County millage tax rates (2013) were used.
- This latest millage rate was used for the entire 6-year period analysis.

Recommendation

The enclosed QTI application package requests a maximum of \$25,200 (20% of total incentive) to be paid by the County over a period of six years. This award recognizes the creation of new jobs and the retention and expansion of a Miami-based company in the Central Enterprise Zone.

Of Miami-Dade County's \$25,200 contribution to the QTI, a total of \$17,717 can be derived from the Miami-Dade County General Fund. Therefore, Miami-Dade County must commit to contribute an additional \$7,483, resulting in a net revenue benefit of 1:0.70.

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: Topper

Project Summary:	
Project Name	Confidential Project: Topper
New Jobs	21
Average Salary	\$42,446
New Capital Investment	\$1,250,000
New Square Footage	100,000
QTI Breakdown:	
Miami-Dade County Incremental Tax Revenue	\$17,717
QTI Miami-Dade County Match (20%)	\$25,200
Net Revenue Benefit to Miami-Dade	-\$7,483
Total Cost-Benefit Ratio	1:0.70

INCENTIVE PROPOSAL CHECKLIST

Project Topper

1. Enterprise Zone:	Yes
2. Number of New Jobs Projected:	21
3. Average Salary per Job:	\$42,446
4. New Capital Investment:	\$1,250,000
5. New Square Footage:	100,000
6. Per Job Incentive:	\$6,000

QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) BASED UPON THE CREATION OF

21 New Jobs Over 3 Years

TOTAL QTI TAX REFUND

1. State of Florida Portion (80%)	\$100,800
2. Miami-Dade County Match (20%)	\$25,200
Total QTI Tax Refund Proposal	\$126,000

RETURN ON INCENTIVE INVESTMENT (ROI)

1. Miami-Dade County Incremental Tax Revenue*	\$17,717
2. Total Miami-Dade County (20%) QTI Match	\$25,200
3. Miami-Dade County Net Revenue Benefit	-\$7,483
Total ROI Gain/Loss/Breakeven	0.70

* See Economic Impact Model

SUMMARY OF ECONOMIC IMPACT

Project Topper

Totals represent what Miami-Dade County would potentially gain over a projected six year period if the business expands in Miami- Dade County.

Employment

Direct Employment	21
Indirect Employment	6
Total Employment Gain	27

Income from Wages

Direct Employment	\$4,779,276
Indirect Employment	\$716,891
Total Income Gain	\$5,496,167

Revenue to Miami-Dade County

Total Property Taxes	\$17,717
Total Local Sales Taxes	\$0
Total Tax Revenue Gain	\$17,717
Total Miami-Dade County (20%) QTI Match	\$25,200
Miami-Dade County Net Revenue Benefit	-\$7,483

THE BEACON COUNCIL ECONOMIC IMPACT MODEL

Project Topper

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
--------	--------	--------	--------	--------	--------	-------

EMPLOYMENT

Total Direct Jobs	6	13	21	21	21	21
Indirect Employment	2	4	6	6	6	6
<u>TOTAL EMPLOYMENT</u>	8	17	27	27	27	27

INCOME (\$1,000)

WAGES & SALARY

Total Direct Wages	\$254.7	\$568.4	\$945.7	\$974.0	\$1,003.2	\$1,033.3	\$4,779.3
Total Indirect Wages	\$38.2	\$85.3	\$141.8	\$146.1	\$150.5	\$155.0	\$716.9

TOTAL WAGES & SALARIES	\$292.9	\$653.6	\$1,087.5	\$1,120.1	\$1,153.7	\$1,188.3	\$5,496.2
-----------------------------------	----------------	----------------	------------------	------------------	------------------	------------------	------------------

<u>TOTAL INCOME</u>	\$292.9	\$653.6	\$1,087.5	\$1,120.1	\$1,153.7	\$1,188.3	\$5,496.2
----------------------------	----------------	----------------	------------------	------------------	------------------	------------------	------------------

INCREMENTAL PROPERTY TAXES (\$1,000)

Building & Equipment Taxes

TOTAL PROPERTY TAXES	\$15.9	\$13.7	\$11.9	\$10.5	\$9.3	\$8.5	\$69.7
-----------------------------	---------------	---------------	---------------	---------------	--------------	--------------	---------------

MIAMI-DADE PROPERTY TAXES	\$4.0	\$3.5	\$3.0	\$2.7	\$2.4	\$2.2	\$17.7
----------------------------------	--------------	--------------	--------------	--------------	--------------	--------------	---------------

SALES TAXES (\$1,000)

Available Income	\$292.9	\$653.6	\$1,087.5	\$1,120.1	\$1,153.7	\$1,188.3	\$5,496.2
Less Federal Income Tax	\$234.3	\$522.9	\$870.0	\$896.1	\$923.0	\$950.7	\$4,396.9
Less Hous, Ins, Prop Tax	\$175.7	\$392.2	\$652.5	\$672.1	\$692.2	\$713.0	\$3,297.7
Less Savings, Life Insur.	\$158.2	\$352.9	\$587.2	\$604.9	\$623.0	\$641.7	\$2,967.9
Less Food, Drugs, Other Non-Tax	\$118.6	\$264.7	\$440.4	\$453.6	\$467.3	\$481.3	\$2,225.9

Avail. Income For Sales Tax	\$118.6	\$264.7	\$440.4	\$453.6	\$467.3	\$481.3	\$2,225.9
State Sales Tax Realized	\$7.1	\$15.9	\$26.4	\$27.2	\$28.0	\$28.9	\$133.6
Local Sales Tax Realized	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

<u>TOTAL SALES TAXES (\$1,000)</u>	\$7.1	\$15.9	\$26.4	\$27.2	\$28.0	\$28.9	\$133.6
---	--------------	---------------	---------------	---------------	---------------	---------------	----------------

TOTAL MIAMI-DADE PROPERTY & SALES TAXES (\$1,000)

\$4.0	\$3.5	\$3.0	\$2.7	\$2.4	\$2.2	\$17.7
--------------	--------------	--------------	--------------	--------------	--------------	---------------

TOTAL PROPERTY & SALES TAXES (\$1,000)

\$23.0	\$29.5	\$38.3	\$37.7	\$37.4	\$37.4	\$203.3
---------------	---------------	---------------	---------------	---------------	---------------	----------------

THE BEACON COUNCIL ECONOMIC IMPACT MODEL - ASSUMPTIONS

Project Topper

Employment Assumptions

New Direct Permanent Jobs

Year 1	6
Year 2	13
Year 3	21
Year 4	21
Year 5	21
Year 6	21

Incremental Multiplier 0.30
 * For every 100 direct jobs, 30 indirect jobs will be created. Total multiplier effect is 1.30

Annual Income Assumptions

Yearly Salary, Direct Permanent Job	\$42,446
Indirect Job Salary	\$21,223

Inflation 103%

Capital Investment

Total Cap. Inv.

Y1 Value	\$860,549
Y2 Value	\$737,568
Y3 Value	\$640,693
Y4 Value	\$564,566
Y5 Value	\$504,933
Y6 Value	\$458,414

Property/Real Estate Taxes

Mill Rate, Less Dade's Revenue	0.01381
Miami-Dade's Revenue Mill Rate	0.00470
Miami-Dade's Total Mill Rate	0.01851

Assessment Value of Real Property (81.6%) 0.816

Realty Prop.

Equip.

Y1	\$244,800	\$615,749
Y2	\$248,472	\$489,096
Y3	\$252,199	\$388,494
Y4	\$255,982	\$308,584
Y5	\$259,822	\$245,112
Y6	\$263,719	\$194,695

Sales Tax Rates

Calculation: Income Available For Sales Tax

Income Devoted to:

Federal Income Tax Liability , 20%	0.80
Housing, Insurance, Real Estate Taxes, 25%	0.75
Savings, Life Insurance, 10%	0.90
Food, Drugs, Other Non-Tax Items, 25 %	0.75

Sales Tax Rates

Investment	\$300,000	\$950,000
Depreciated		\$775,200

Florida Sales Tax	6.00%
Miami-Dade County Sales Tax	0.00%
Total Sales Tax	6.00%

Equipment Depreciation 0.20569

APPLICATION*
Private Companies

1. BUSINESS INFORMATION

A. Legal name of the Applicant: Project Topper

B. Name of Ultimate Parent Company (if applicable):
City Miami State/Province FL Country USA

C. List each Principal Executive Officer, director (or any person who performs a similar function regardless of title) of the Applicant and the Ultimate Parent Company (if applicable), and any person or entity that Controls the Applicant. Attach additional sheets if necessary.

<u>Name</u>	<u>Title or Position¹</u>	<u>Percent of Ownership if Greater than 50%²</u>

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: 204

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: 263

I. Is it presently anticipated that the Applicant will have corporate income tax liability in Florida?

Yes No

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

¹ For example, chief executive officer, director, stockholders that directly or indirectly own more than 50% of the capital stock or other equity interests of the Applicant or the Ultimate Parent Company, etc.

² This should **only be included** if the individual directly or indirectly **owns more than 50%** of the capital stock or other equity interests of the Applicant or the Ultimate Parent Company.

J. Is the applicant a small business (i.e., is the aggregate net worth of the Applicant, the Ultimate Parent Company and its Subsidiaries (other than the Applicant) **less than** \$5,000,000 **or** does the Applicant have a Small Business Administration 8(a) certification)?

Yes No

2. PROJECT OVERVIEW

A. Which of the following best describes the Applicant:

- New business to Florida
- Existing Florida business creating and/or retaining jobs³

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)? None

C. Please describe the Project, including the specific business activity(ies) of the Project:
 Project Topper a Miami-based global outdoor furniture manufacturer plans to expand in Miami-Dade County primarily by developing new products, penetrating new market segments and expanding our sales geographically.

D. What is the anticipated commencement date of the Project? Q1 2015

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 (\$)
HQ & Manufacturing	551114, 337127, 337124, 337122	100%	\$42,446
		%	\$
		%	\$

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

Street Address

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?

³ A.QTI Tax Refund award cannot be granted for existing Florida jobs.
 Revised 10/13

Yes No If yes, which area?

Will the Project be located in an Urban area?⁴

Yes No If yes, describe?

UA-1315

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

- Regional headquarters If it is a regional headquarters, what region?
- 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:
80% Explain, if necessary:

3. JOB AND WAGE OVERVIEW

- A. How many new-to-Florida Full-Time Equivalent Jobs are projected to be created as part of this Project? 21
- 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? 204
- 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?⁵ \$42,446
- D. What is the projected annualized average cost to the Applicant of benefits for each new-to-Florida Full-Time Equivalent created as part of this Project? \$10,687
- 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.)?
Health insurance, 401K matching, paid vacation, holiday pay, sick/personal time, etc.

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.):
Build out of additional manufacturing in new facility; new manufacturing equipment (e.g. machinery, tooling, molds, material handling equipment); expansion/remolding of offices in current facilities; new furniture; new IT hardware
- 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)

⁴ 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.

⁵ All cash payments to the employees (other than reimbursements of business expenses) should be included.

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 :	2015	2016	2017			Total
Land or Building Purchase	\$	\$	\$	\$	\$	\$
Construction / Renovations	\$300,000	\$	\$	\$	\$	\$300,000
Manufacturing Equipment	\$275,000	\$250,000	\$250,000	\$	\$	\$775,000
R&D Equipment	\$	\$	\$	\$	\$	\$
Other Equipment (computer equipment, office furniture, etc.)	\$125,000	\$25,000	\$25,000	\$	\$	\$175,000
Total Capital Investment	\$700,000	\$275,000	\$275,000	\$	\$	\$1,250,000

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	\$	\$	\$	\$	\$	\$

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

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.)?

Incentives are critical to the decision to expand in Miami-Dade as alternate sites offer inexpensive real estate, attractive government incentives, high quality of labor force, and logistics

B. What other states or countries is the Applicant considering for this Project?

South Carolina, North Carolina, Georgia

C. What advantages or incentives offered by these locations does the Applicant consider important in its decision?

inexpensive real estate, attractive government incentives, high quality of labor force, and logistics

D. What advantages or disadvantages offered by the proposed Florida location does the Applicant consider important in its decision?

Retention of existing employees; avoidance of business disruption; government incentives

E. Indicate any additional internal or external competitive issues impacting your decision regarding the Project's location?

6. DISCLOSURE

A. In the past 10 years, has (1) the Applicant, the Ultimate Parent Company or any of its Subsidiaries, (2) any Principal Executive Officer of the Applicant or the Ultimate Parent Company or (3) any entity that any Principal Executive Officer of the Applicant or the Ultimate Parent Company Controls or Controlled been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to any Felony or Misdemeanor involving fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery or a conspiracy to commit any of these offenses?

Yes No If yes, explain?

B. Is (1) the Applicant, the Ultimate Parent Company or any of its Subsidiaries, or (2) any Principal Executive Officer of the Applicant or the Ultimate Parent Company or (3) any entity that any Principal Executive Officer of the Applicant or the Ultimate Parent Company Controls (a) the subject of a pending criminal prosecution or governmental enforcement action in any jurisdiction or (b) subject to any unsatisfied tax liens in Florida or judgment liens in any jurisdiction in the U.S.?

Yes No If yes, explain?

C. In the past 5 years, has (1) the Applicant, the Ultimate Parent Company or any of its Subsidiaries, (2) any Principal Executive Officer of the Applicant or the Ultimate Parent Company or (3) any entity that any Principal Executive Officer of the Applicant or the Ultimate Parent Company Controls or Controlled (a) been named as a DEFENDANT in any civil litigation or arbitration in any jurisdiction, (b) had an application for license, or a license or its equivalent, to practice any profession or occupation denied, suspended or revoked in any jurisdiction, or (c) been subject to a bankruptcy or insolvency petition in any jurisdiction?

Yes No If yes, explain?

The company has been sued three times for frivolous product liability claims. All three claims have been settled and are closed.

7. 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.)

Yes No

8. SIGNATURES

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 35 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

Project Topper

Name of Business

FOR EFI USE ONLY		
Date Received	Date Revised	Date Completed
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 Resolution¹ 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 unit²?** 21
- 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	10	12/31/15
II	5	12/31/16
III	6	12/31/17
Total		

- 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).
- \$42,446, which is at least 115% of the average wage in Florida.
- \$____, which is at least 150% of the average wage in _____.
- \$____, which is at least 200% of the average wage in _____.

2. LOCAL FINANCIAL SUPPORT

- A. Identify the local government(s) anticipated to provide local financial support³:**
Miami-Dade County
- B. Indicate the date(s) the QTI support resolution(s) is / are anticipated to be passed by the local government:**
Q4 2014

¹ 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.

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

³ 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) REQUIRED	Date
Name and Title of Authorized Officer	

4. KEY QTI PROGRAM INFORMATION

- The tax refund claim form will be due by January 31st each year for the number of jobs on December 31st 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.