

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 3(B)(6)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving Confidential Project Alchemy as a Targeted Jobs Incentive Fund program business pursuant to Chapter 2, Article LXXXVI of the Code; confirming that the commitment of incentive awards for Confidential Project Alchemy exists; providing an appropriation of up to \$3,312,090.00 from Countywide General Fund revenues for Fiscal Years 2024-25 through 2033-34; authorizing the County Mayor to make non-substantive modifications to the job creation and disbursement dates timeline, and to execute all necessary contracts, agreements and amendments, and providing for an effective date

Resolution No. R-19-24

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.


Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: January 17, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Approving Targeted Jobs Incentive Fund Tax Refund for Confidential Project Alchemy

Executive Summary

The Targeted Jobs Incentive Fund (TJIF) attracts new businesses to Miami-Dade County “County” and encourages expansion of existing local companies by providing performance-based incentives for qualifying new fulltime jobs and new real estate capital expenditures under, Chapter 2, Article LXXXVI of the Code of the County.

The Beacon Council, on behalf of Confidential Project Alchemy “Alchemy”, submitted a TJIF application. Alchemy is a data storage company proposing to construct/renovate 150,000 square feet of office space to house its new state-of-the art data center (North American Industry Classification System Code #518210). The company plans to commence construction during FY 2024.

Alchemy commits to create 30 new jobs at an average wage of at least \$71,733.00 (which is greater than 100% of the average wage in the County) and make a capital investment of \$154,000,000.00. The exact location of the proposed data center is confidential; the company is considering a location in Commission District 2 represented by Commissioner Marleine Bastien. Alchemy is expected to generate \$5,256,318.00 in incremental property County tax revenue over a ten-year period.

Alchemy is eligible for TJIF incentives of \$3,312,090.00 to be paid after confirmation of new jobs and capital investment over a ten-year period. Additionally, a Designated Priority Area (DPA) Bonus award in the amount of \$101,108.00 for locating in one of the County’s designated priority areas (i.e., areas formerly designated as Enterprise and Empowerment Zones, Targeted Urban Areas, Community Development Block Grant eligible areas, and Brownfield areas). This bonus has been included in the incentive award due to its location within a designated Enterprise Zone

The Beacon Council projects that the County will realize a positive fiscal impact of \$1,944,228.00 over the ten-year period of the TJIF award.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the request for Confidential Project Alchemy to participate in the TJIF program resulting in an estimated positive fiscal impact of \$1,944,228.00 over the ten-year period of the TJIF award. It is also recommended

that the Board make available \$3,312,090.00 in TJIF assistance from Countywide General Fund Revenue to be paid over a ten (10) year period.

Scope

Confidential Project Alchemy is a data storage company seeking to renovate/construct 150,000 square feet of office space in the County. The exact proposed location is confidential. However, the company is considering a location in Commission District 2, which is represented by Commissioner Marleine Bastien.

The company is committing to create 30 new full-time equivalent jobs, as defined in section 288.106, Florida Statutes. The jobs will have a positive Countywide impact through indirect employment and an economic multiplier effect.

Delegation of Authority

If adopted, this resolution delegates the authority to the County Mayor or County Mayor's designee to make non-substantive modifications to the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments between Miami-Dade County and Confidential Project Alchemy.

Fiscal Impact/Funding Source

Based on the projected creation of 30 new jobs and projected total capital investment of \$154,000,000.00 as stated in the application attached to the Resolution, Alchemy is eligible to receive \$3,312,090.00 in TJIF assistance, to be paid over a ten-year period. Alchemy is projected to generate \$5,256,318.00, over a ten-year period, in incremental property tax revenues to the Countywide General Fund. The Beacon Council projects that the County will realize a positive fiscal impact of \$1,944,228.00 over the ten-year period of the TJIF award.

Track Record/Monitor

The TJIF program specifies that a Board approved TJIF program project must create at least 10 new jobs, retain those jobs in accordance with the program's criteria, and make a significant capital investment to receive the incentive. Alchemy is committed to make a capital investment of \$154,000,000.00 and create 30 new jobs.

Upon the company's request for incentive payment, staff from the Research and Planning Division within the Department of Regulatory and Economic Resources will verify that it has met the required number of new jobs created, at the required wage rate and in accordance with the TJIF program agreement. Staff will also confirm that the ad valorem and/or the tangible personal property taxes are sufficient to cover the TJIF program payment.

Background

Alchemy is proposing to construct/renovate 150,000 square feet of office space to house its new state-of-the art data center (North American Industry Classification System Code #518210). The company plans to commence construction during FY 2024. Alternative locations being considered by Alchemy include Arizona, Texas and Virginia.

As a condition of the TJIF award, Confidential Project Alchemy agrees that the 30 new workers hired will have an average annual salary of \$71,733.00 (excluding benefits). Employee benefits associated with each newly created job will be \$16,660.00. The value of employee benefits is not a requirement of the TJIF program. Confidential Project Alchemy also agrees that all employees will be paid the living wage in accordance with county Code §2-8.9, Living Wage for County Service Contracts effective October 1, 2023 to September 30, 2024.

The actual disbursement of the TJIF Program award is contingent upon verifying the creation of the new jobs and the capital investment appearing on the tax roll. The TJIF program award may equal up to 2.140 percent of the total real property capital investment and 1.440 percent of the tangible personal property capital investment to remain in compliance with the TJIF Program. Disbursements of the TJIF program award is capped to not exceed the amount of incremental Countywide General Fund revenues the County generates by the capital investment.

The anticipated dates for job creation and incentive award disbursements are set forth in the resolution but are subject to change upon the approval of the County Mayor or County Mayor's designee so long as they remain consistent with the TJIF Program.

The attached documents relating to the application of the incentive have been prepared by The Beacon Council and reviewed by the Department of Regulatory and Economic Resources.

Attachments



Francesca de Quesada Covey
Chief Innovation and Economic Development

CONFIDENTIAL PROJECT ALCHEMY SUMMARY SHEET	
APPLICANT:	Confidential Project Alchemy
HEADQUARTERS LOCATION:	TBD
PROPOSED LOCATION IN MIAMI-DADE COUNTY:	District 2
OTHER LOCATIONS UNDER CONSIDERATION:	Arizona, Texas and Virginia
DATE OF QTI/TJIF APPLICATIONS:	September 6, 2023
OVERALL BUSINESS ACTIVITY/MISSION:	Data storage
PROPOSED LOCAL BUSINESS ACTIVITY:	Computer data storage
PROPOSED CAPITAL INVESTMENT:	\$154,000,000.00
TARGETED QTI/TJIF INDUSTRIES:	Data Storage
PROPOSED LOCATION IN DESIGNATED PRIORITY AREA:	Yes
NEW BUSINESS OR EXPANDING BUSINESS:	new
TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:	30
EFFORT IN HIRING RESIDENTS IN LOCAL AREA:	Will be sourced locally
ESTIMATED ANNUALIZED AVERAGE WAGES FOR NEW JOBS:	\$71,733.00
ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$16,660.00 (Not a condition of the incentive)
NUMBER OF INDIRECT JOBS TO BE CREATED:	TBA
NUMBER OF YEARS TO CREATE NEW JOBS:	2
MAXIMUM INCENTIVE PER DIRECT JOB CREATED/RETAINED	\$5,133,333.33
MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$3,312,090.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$5,256,318.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: Information and data in this summary sheet provided The Beacon Council.	

Florida Statutes Section 448. PUBLIC AGENCY CONTRACTING

Contractor shall comply with the provisions of Florida Statutes Section 448 related to PUBLIC AGENCY CONTRACTING

E-VERIFY

Contractor shall register with and use the E-Verify system to verify the work authorization status of all new employees of the Contractor and shall require any subcontractor to register with and use the E-Verify system to verify the work authorization status of all subcontractor's new employees. Contractor, or any subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

In the event Contractor enters into a contract with a subcontractor, the subcontractor must provide the Contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. Contractor shall maintain a copy of such affidavit for the duration of this Agreement.

In the event the County has a good faith belief that Contractor has knowingly violated s. 448.09(1) of the Florida Statutes, The County shall terminate this Agreement.

In the event Contractor has a good faith belief that any subcontractor with which it is contracting has knowingly violated s. 448.09(1) of the Florida Statutes, Contractor shall terminate the contract with the person or entity.

In the event the County has a good faith belief that a subcontractor knowingly violated this subsection, but the Contractor otherwise complied with this subsection, the County shall promptly notify the Contractor and order the Contractor to immediately terminate the contract with the subcontractor and the Contractor shall immediately terminate the contract with the subcontractor.

In the event the County terminates this Agreement under this paragraph, such termination is not a breach of this Agreement and may not be considered as such. If the County terminates this Agreement with Contractor under this paragraph, the Contractor may not be awarded a public contract for at least 1 year after the date on which this Agreement was terminated. Contractor is liable for any additional costs incurred by the County as a result of the termination of this Agreement pursuant to this paragraph.



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(6)

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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 3(B)(6)
1-17-24

RESOLUTION NO. R-19-24

RESOLUTION APPROVING CONFIDENTIAL PROJECT ALCHEMY AS A TARGETED JOBS INCENTIVE FUND PROGRAM BUSINESS PURSUANT TO CHAPTER 2, ARTICLE LXXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CONFIRMING THAT THE COMMITMENT OF INCENTIVE AWARDS FOR CONFIDENTIAL PROJECT ALCHEMY EXISTS; PROVIDING AN APPROPRIATION OF UP TO \$3,312,090.00 FROM COUNTYWIDE GENERAL FUND REVENUES FOR FISCAL YEARS 2024-25 THROUGH 2033-34; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE NON-SUBSTANTIVE MODIFICATIONS TO THE JOB CREATION AND DISBURSEMENT DATES TIMELINE, AND TO EXECUTE ALL NECESSARY CONTRACTS, AGREEMENTS AND AMENDMENTS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, Confidential Project Alchemy qualifies as a target industry business under Chapter 2, Article LXXXVI of the Code of Miami-Dade County, Florida (TJIF Ordinance),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts and ratifies the matters set forth in the foregoing recitals.

Section 2. Finds that attracting, retaining and providing favorable conditions for the growth of target industries provides quality employment opportunities for residents of the County and enhances the County's economic foundation.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute the Application and Agreement for TJIF between Miami-Dade County and Confidential Project Alchemy, as a TJIF business pursuant to the TJIF Ordinance, in substantially the form attached hereto.

Section 4. Authorizes the County Mayor or County Mayor's designee to make non-substantive modifications to the job creation and disbursement dates timeline, and to execute all necessary contracts, agreements, and amendments necessary to further the purposes set forth in this resolution.

Section 5. Finds that the commitment of incentive awards for Confidential Project Alchemy exists in an amount not to exceed \$3,312,090.00 from Countywide General Fund revenues, and is conditioned on and subject to specific annual appropriations by the Board in the following increments:

Fiscal Year 2024-25 - \$331,209.00
Fiscal Year 2025-26 - \$331,209.00
Fiscal Year 2026-27 - \$331,209.00
Fiscal Year 2027-28 - \$331,209.00
Fiscal Year 2028-29 - \$331,209.00
Fiscal Year 2029-30 - \$331,209.00
Fiscal Year 2030-31 - \$331,209.00
Fiscal Year 2031-32 - \$331,209.00
Fiscal Year 2032-33 - \$331,209.00
Fiscal Year 2033-34 - \$331,209.00

Total: \$3,312,090.00

with the provision that any tax abatement granted to Confidential Project Alchemy under section 196.1995, Florida Statutes, reduces any TJIF incentive award granted by the amount of any such tax abatement granted, and will be paid to Confidential Project Alchemy with the stipulation Confidential Project Alchemy is in compliance with the TJIF program as set forth in the TJIF Ordinance, including, but not limited to, the requirement that at least 10 jobs be created. In no

event shall this resolution operate to obligate the County to make disbursements to Confidential Project Alchemy in an amount that contradicts or violates the program requirements as set forth in the TJIF Ordinance.

Section 6. Requires that the commitment of incentive awards shall be contingent on Confidential Project Alchemy maintaining the 30 jobs during the life of the incentive and ensuring that its hiring practices are consistent with and reflect the diversity of the Miami-Dade County community. Confidential Project Alchemy also agrees to a good faith effort to hire, to the maximum extent possible, residents from Miami-Dade County.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of January, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SDS", written over a horizontal line.

Shannon D. Summerset



September 6, 2023

Ms. Lourdes Gomez
Director, Regulatory and Economic Resources
Miami-Dade County
111 NW 1st Street, 11th Floor
Miami, FL 33128

Re: Confidential Project: Alchemy

Dear Ms. Gomez:

Attached please find the application for Confidential Project: Alchemy to Miami-Dade County's Targeted Jobs Incentive Fund (TJIF). Confidential Project: Alchemy is the establishment of a new and state of the art data center in Miami-Dade County.

Confidential Project: Alchemy will create 30 new jobs at an average wage of at least \$71,733 (higher than the average wage in Miami-Dade County) and make a capital investment of \$154,000,000 in Unincorporated Miami-Dade County (Dist 2/Bastien). Alternative locations for this project include Arizona, Texas, and Virginia.

We are referring the enclosed application to your office for review and preparation of a resolution to the Miami-Dade Board of County Commissioners requesting a maximum of \$3,312,090 paid over a period of ten years. This incentive includes a bonus award due to its location within a designated Enterprise Zone. Attached is the project economic impact analysis prepared by the Miami Dade Beacon Council.

We are requesting that the item be placed on the next possible BCC agenda and 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) 579-1300.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Kohnstamm'.

James Kohnstamm
Executive Vice President
Economic Development

Copy: Francesca de Quesada Covey
Chief Economic Development & Innovation Officer
Office of Mayor Daniella Levine-Cava

MDC012

Miami-Dade County Targeted Jobs Incentive Fund (TJIF)

Confidential Project: Alchemy

September 2023

Prepared by:



Executive Summary for Confidential Project: Alchemy

Background

Confidential Project: Alchemy is the establishment of a state-of-the-art data center in Miami-Dade County. Confidential Project: Alchemy will create 30 new jobs at an average wage of at least \$71,733 (higher than the average wage in Miami-Dade County) and make a capital investment of \$154,000,000 in Unincorporated Miami-Dade County (Dist 2/Bastien). Alternative locations for this project include Arizona, Texas, and Virginia.

Based on the capital investment of \$154,000,000 in new real property and personal property, Confidential Project: Alchemy will generate \$5,256,318 in new Miami-Dade County General Fund Taxes over a ten-year period.

Recommendation

The enclosed TJIF application package requests a maximum of \$3,312,090 to be paid by the County over a period of ten years. The resulting net revenue benefit is 1:1.59.

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: Alchemy

Project Summary:	
Project Name	Confidential Project: Alchemy
New Jobs	30
Average Salary	\$71,733
New Capital Investment	\$154,000,000
New Square Footage	150,000
TJIF Award:	
Miami-Dade County Incremental Tax Revenue	\$5,256,318
TJIF Award	\$3,312,090
Net Revenue Benefit to Miami-Dade	\$1,944,228
Total Cost-Benefit Ratio	1:1.59

TJIF 10-Year Fiscal Analysis: Real Property
Confidential Project Alchemy

Tax Increment Analysis		Value	As % of Capital Inv
Capital Investment		\$108,000,000	100.0%
Market/Capital Inv Ratio		0.85	
Assessed Value		\$91,800,000	85.0%
Budget Adjustment Factor		0.95	
Available for Ad-valorem Taxes, year 1		\$87,210,000	80.8%
Annual Net Appreciation Rate		1.50%	
Available for Ad-valorem Taxes, year 2		\$88,518,150	
Available for Ad-valorem Taxes, year 3		\$89,845,922	
Available for Ad-valorem Taxes, year 4		\$91,193,611	
Available for Ad-valorem Taxes, year 5		\$92,561,515	
Available for Ad-valorem Taxes, year 6		\$93,949,938	
Available for Ad-valorem Taxes, year 7		\$95,359,187	
Available for Ad-valorem Taxes, year 8		\$96,789,575	
Available for Ad-valorem Taxes, year 9		\$98,241,418	
Available for Ad-valorem Taxes, year 10		\$99,715,040	
Countywide GF Millage per \$1000		4.6202	4.0%
10-Year Additional General Fund Tax Revenue		\$4,312,422.40	
Average Yearly Additional Tax Revenue		\$431,242	
TJIF Incentive Analysis		Y=1	As % of Capital Inv
Base TJIF Award/Tax Increment			
TJIF Base Award			2.140%
TJIF Bonus Awards			
Green Business Certification	0	\$2,311,200	0.220%
Designated Priority Area Award	1	\$237,385	0.220%
Green Certified Building Award	0	\$0	0.063%
Alt. Energy Producer or Installer Award	0	\$0	0.063%
Maximum Potential TJIF Award		\$2,548,585	2.360%

TJIF 10-Year Fiscal Analysis: Personal Property
Confidential Project Alchemy

Tax Increment Analysis		Value	As % of Capital Inv
Capital Investment		\$46,000,000	100.0%
Market/Capital Inv Ratio		0.85	
Assessed Value		\$39,100,000	85.0%
Budget Adjustment Factor		0.95	
Available for Ad-valorem Taxes, year 1		\$37,145,000	80.8%
Annual Depreciation (Value)*		\$3,714,500	
Available for Ad-valorem Taxes, year 2		\$33,430,500	
Available for Ad-valorem Taxes, year 3		\$29,716,000	
Available for Ad-valorem Taxes, year 4		\$26,001,500	
Available for Ad-valorem Taxes, year 5		\$22,287,000	
Available for Ad-valorem Taxes, year 6		\$18,572,500	
Available for Ad-valorem Taxes, year 7		\$14,858,000	
Available for Ad-valorem Taxes, year 8		\$11,143,500	
Available for Ad-valorem Taxes, year 9		\$7,429,000	
Available for Ad-valorem Taxes, year 10		\$3,714,500	
Countywide GF Millage per \$1000		4.6202	2.1%
10-Year Additional General Fund Tax Revenue		\$943,895.31	
Average Yearly Additional Tax Revenue		\$94,389.53	
TJIF Incentive Analysis		Y=1	As % of Capital Inv
Base TJIF Award/Tax Increment			
TJIF Base Award			1.440%
TJIF Bonus Awards			
Green Business Certification Bonus Award	0	\$0	0.220%
Designated Priority Area Bonus Award	1	\$101,108	0.220%
Green Certified Building Bonus Award	0	\$0	0.063%
Alt. Energy Producer or Installer Bonus Award	0	\$0	0.063%
Maximum Potential TJIF Award		\$763,508	1.660%

* Depreciation based on 10% scrap value at end of 10th year and taken on straight line basis.

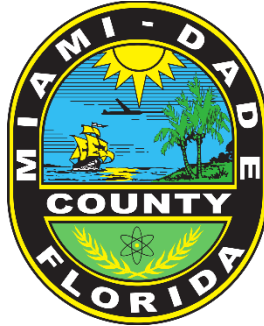
Total TJIF	Annual Increment
FY2024-25	\$574,545
FY2025-26	\$563,427
FY2026-27	\$552,400
FY2027-28	\$541,465
FY2028-29	\$530,623
FY2029-30	\$519,876
FY2030-31	\$509,225
FY2031-32	\$498,672
FY2032-33	\$488,218
FY2033-34	\$477,865
Sum	\$5,256,318

Total TJIF	\$3,312,093.54
FY2024-25	\$331,209.00
FY2025-26	\$331,209.00
FY2026-27	\$331,209.00
FY2027-28	\$331,209.00
FY2028-29	\$331,209.00
FY2029-30	\$331,209.00
FY2030-31	\$331,209.00
FY2031-32	\$331,209.00
FY2032-33	\$331,209.00
FY2033-34	\$331,209.00
Sum	\$3,312,090.00

Tax Increment	\$5,256,318
Net Fiscal Imp	\$1,944,228
B/C Ratio	1.59
Job Bonus	\$0.00

Working Document - TJIF Application

Miami-Dade County, Florida



Application and Agreement for Targeted Jobs Incentive Fund (TJIF)

Confidential Project: Alchemy

Name of Business

(Note: If the name of company is confidential at time of application, said company name shall be provided and appended to this Application and Agreement within 60 days of being approved by the County.)

Important: This Application and Agreement for TJIF shall be in compliance with Miami-Dade County Board of County Commissioners Ordinance No. 00-98 as codified in the Code of Miami-Dade County, Chapter 2, Article LXXXVI, and as further modified by Ordinance No. 18-36, as may be amended.



Section 1. Targeted Jobs Incentive Fund (TJIF)

Background

- 1.1 The Targeted Jobs Incentive Fund is an initiative fashioned by The Beacon Council and Miami-Dade County and patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI). The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards. As with the QTI Program, a Company is required to create a certain number of jobs and must also generate enough new revenue to Miami-Dade County to fund its TJIF benefit.
- 1.2 The TJIF is an inducement program available only to companies from outside the County (with the exception of Palm Beach, Broward, and Monroe Counties) wishing to relocate here, and to Miami-Dade companies which undertake a business expansion and which create jobs as a result of the local expansion. Nevertheless, a Palm Beach, Broward or Monroe County-located Company that is planning to relocate outside South Florida is eligible for this program. The Company must provide verifiable documentation supporting its consideration of other locales. Any business decisions, such as leasing of space or hiring of employees, made prior to the final TJIF approval will likely be grounds for disapproval unless waived by the Miami-Dade County Mayor or Mayor's designee after a showing of good cause.
- 1.3 Although the TJIF program is available to companies countywide, it is also used to encourage investment and the creation of jobs in Designated Priority Areas (DPA) i.e. Enterprise Zones, Empowerment Zones, Targeted Urban Areas, Community Development Block Grant eligible areas, and Brownfield areas, by providing business with additional incentives if the Company locates within these specified areas.
- 1.4 The TJIF program is strictly a performance-based incentive that is disbursed to the Company after it has met all of its job creation projections, average salary commitment, capital investment commitments and all other requirements of the program.

Section 2. Eligibility Criteria

- 2.1 The Targeted Jobs Incentive Fund (TJIF) is available to companies in the following industries:
 - a. Advance Manufacturing;
 - b. Aviation/Aerospace;
 - c. Clean Energy including, but not limited to, Solar Photovoltaic and Solar Thermal Energy, Biofuels, Smart Grid Technologies, Energy Storage, and Ocean Energy;
 - d. Financial/Professional Services;
 - e. Homeland Security/Defense;
 - f. Information Technology;
 - g. Life Sciences;
 - h. Creative Industries including, but not limited to, Fashion and Lifestyles;
 - i. Global Logistics;
 - j. Headquarters including regional headquarters (NAICS Code 5511); and

- k. Any industry designated as a “Target industry business” under the State of Florida’s Qualified Target Industry (“QTI”) program, Section 288.106(1) of the Florida Statutes.

The Board of County Commissioners, at its discretion, may waive the eligible industry requirement at the request and recommendation of The Beacon Council and the County Mayor and County Mayor’s designee.

- 2.2 The Company must create at least 10 new jobs and make a minimum capital investment of at least \$3 million.
- 2.3 The County Commission, recognizes its responsibility to set a community standard that permits full-time workers to live above the poverty line. Therefore, the TJIF Program will not be available to companies that pay any of their employees less than the Living Wage Rate as defined in Section 2-8.9 of the Code of Miami-Dade County, as adjusted annually by the Department of Small Business Development or its successor department. In addition, the New Jobs promised under the TJIF application/agreement must pay an estimated Average Annual Wage at least equal to the average private sector wage of the County or the statewide private sector average wage. In determining the Average Annual Wage, only New Jobs are to be included and wages for existing jobs shall be excluded from the calculation.
- 2.4 The Company’s countywide ad valorem property taxes, excluding debt service, and countywide portion of sale taxes paid must generate sufficient additional general fund tax revenue to the County in order to fund the award. Additional general fund tax revenue generated by the project shall be determined by using a methodology acceptable to the County.
- 2.5 An economic impact analysis of the project will be determined using a professionally accepted econometric model such as Department of Commerce, BEA RIMS-II; Minnesota Implan Group, IMPLAN V.3; or REMI, Inc., REMI Model Pl+, and reviewed by the County’s Chief Economist.
- 2.6 This Application and Agreement must be signed by the Company and Miami-Dade County stipulating the number of new jobs to be created, the projected amount of capital investment, the amount of the projected tax revenue and the date when the project will be completed. Disbursements of the TJIF award to the Company will only be made after it has achieved the capital investment and job creation benchmarks set forth in the Application and Agreement, and all other terms of the TJIF program.
- 2.7 The TJIF is an inducement program that is only available to companies considering a relocation and/or expansion in Miami-Dade County and one or more other communities. The TJIF is utilized to induce “New to Market” companies to relocate to Miami-Dade County (not available for companies located within Palm Beach, Broward and Monroe Counties unless a Company is planning to relocate outside South Florida). Companies located in other Florida counties are eligible for TJIF for any net *new* jobs being created in Miami-Dade County. The Company must identify the other metro areas being actively considered as locations for the project.

Section 3. Award Amounts Provided By Miami-Dade County

- 3.1 The TJIF Program is structured so that revenues received from the TJIF project will meet or exceed incentives paid by the County. As a result, the TJIF Program has a positive revenue impact on the countywide general fund during the incentive payout period. TJIF incentives are disbursed over a ten-year period, subsequent to the capital investment of the TJIF project appearing on the tax roll, and may equal up to 2.140 percent of the total real property capital investment and up to 1.440 percent of the tangible personal property capital investment. The TJIF project is eligible for an additional incentive amount, for both real property and tangible personal property capital investment, if it is:
- a. A Miami-Dade County “green certified” business, as applicable (an additional 0.220 percent);
 - b. Located in a DPA (an additional 0.220 percent);
 - c. Located in a “green certified” building pursuant to Section 2-1258 (an additional 0.063 percent); and/or
 - d. Classified as having its principal business activity in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy project (an additional 0.063 percent).
 - e. A project that creates more than 50 new jobs (an additional 0.015 percent of the total amount of the Project’s Capital Investment in taxable real property and tangible property for every 50 new jobs created).

In no case will TJIF incentive disbursements exceed the amount of additional countywide ad valorem generated by the TJIF project. In the event that the actual capital investment is less than the amount of capital investment stated in the application, the TJIF project will only be eligible to receive an incentive based on the approved percentage of the actual capital investment.

Applications for a TJIF award within Miami-Dade County are evaluated on a case-by-case basis.

- 3.2 A TJIF award is usually provided to a Company for a period of up to ten (10) years when the minimum number of new jobs has been created and when new capital investment by and/or for the Company exceeds \$3 million in taxable property value. This award is not applicable to the ad valorem property taxes paid-in on the subject property’s land value nor to any improvements in place prior to the project.
- 3.3 A Company may not receive award payments of more than twenty five percent (25%) of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than \$1.5 million in awards in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than \$5 million in award payments in all fiscal years, or more than \$7.5 million if the project is located in a Designated Priority Area. However, the Board of County Commissioners, at its discretion, may waive the applicable \$5 million or \$7.5

million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor's designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the project. While a Company can receive both a tax refund under the State of Florida Qualified Target Industry Program and a TJIF award at the same time, it cannot receive more than an amount equal to what it has paid-in under the project at any time.

Section 4. Payment of Incentive

- 4.1 The TJIF program is a performance-based incentive program; therefore, verification of the new jobs created, the capital investment made by the Company, and the additional general fund tax revenue generated to Miami-Dade County must be verified by the County prior to any disbursement of funds to the Company. This procedure must be repeated each year that the Company submits a claim for the TJIF payment. The year that is applicable for consideration of taxes paid in resulting in the additional general fund tax revenue is April 1 through March 31. Company award claims must be submitted each year during the period of April 1 through May 15. Any award appropriation, if made by the Miami-Dade County Board of County Commissioners will be paid in the County's fiscal year that begins on October 1 following the May 15 claims-submission deadline date.
- 4.2 The TJIF incentive award is paid beginning after the first year the new jobs are created. For example, if a Company committed to creating 100 new jobs by December 31, 2018, meets this benchmark (and all other conditions of the incentive award), and submits a claim for disbursement by May 15, 2020, then the first incentive payment will be disbursed in the County's fiscal year that begins on October 1, 2020. Disbursements shall occur according to the disbursement schedule set forth in the Board resolution granting the TJIF award even if all the new jobs are created prior to the end of the disbursement schedule. Payment to the Company will only be made after it has achieved all economic benchmarks. The Company's additional general fund tax revenue paid to Miami-Dade County must be equal to or greater than the Company's TJIF award less the County's portion of any Florida Qualified Target Industry incentive the Company may be receiving for the same project.
- 4.3 The Company must be current on its Miami-Dade County taxes in order to receive the disbursement of its approved TJIF incentive. Failure to meet this condition may cause that year's incentive to be forfeited.
- 4.4 No incentive amounts shall be disbursed after the last fiscal year set forth in the TJIF application agreement and the Board-approved TJIF Resolution. If a company fails to submit an application for reimbursement within three years of the first job creation benchmarks pursuant to Section 9.5 (c) in this application, the TJIF award will be cancelled without notice.
- 4.5 If in any year the applicant does not achieve the job creation schedule outlined in the applicant's approved resolution, but achieves at least 80% of the required net new jobs created, the company will receive a pro-rated incentive award 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.**

Section 5. Application Process

- 5.1 Any Company that meets the criteria and objectives of the TJIF program must submit this Application and Agreement to the County through The Beacon Council for review. The Beacon Council will prepare an economic impact analysis for the project, based on the information provided by the Company and submit the application to the County Mayor or County Mayor's designee. An officer of the applying Company must sign the application.

Section 6. Review and Approval Process

- 6.1 Subsequent to an evaluation of the Application and Agreement by the County, staff will recommend its approval or denial to the County Mayor or the County Mayor's Designee and prepares an agenda item for the next available Board of County Commissioners meeting where the TJIF incentive is considered for approval. The County Mayor or the County Mayor's Designee will recommend Application and Agreement approval or denial to the Board of County Commissioners. Per Miami-Dade County Ordinance No. 00-98 creating this program as amended by Ordinance No. 18-36, the Board of County Commissioners shall have no obligation to approve any Application and Agreement that comes before it.
- 6.2 The Beacon Council staff and a Company representative (when requested) will attend the Board of County Commissioners meeting to be available to answer any questions related to the project and the TJIF Application.
- 6.3 If the Board of County Commissioners approves the Application and Agreement, the Company and the County Mayor or the County Mayor's Designee will execute said document(s). Upon request, a Company's confidentiality will be protected for any information regarding a project's location and/or expansion evaluation of any site in Florida in accordance with Sections 288.075 and 288.1066 of the Florida Statutes. If confidentiality is requested, then the Company name and identifying information shall be provided by the Company within 60 days of being approved by the County. Upon said approval, as the applying Company you will be sent a letter by The Beacon Council stipulating the conditions of the approval.
- 6.4 The Company, upon the Board of County Commissioners' approval, shall submit a current employee roster and tangible personal property and/or real property tax bill(s) for Miami-Dade County within 60 days after the Board's approval of the Application and Agreement.

Section 7. Application and Agreement Instructions

- 7.1 Please carefully review all Application and Agreement materials.
- 7.2 Contact The Beacon Council at the below address to discuss your project and Application before submitting a formal proposal.
- 7.3 Any information or documents that cannot be supplied in the provided space should be placed in a notebook or other presentation format. The material should be indexed, tabbed or labeled with the number of the relevant question from the Application and Agreement form.
- 7.4 The completed and signed Application and Agreement must be filed with:

The Beacon Council
Attn: James Kohnstamm, Executive Vice President
Targeted Jobs Incentive Fund (TJIF)
80 S.W. 8th Street, Suite 2400
Miami, Florida 33130
Phone: 305-579-1300

- 7.5 **IMPORTANT NOTE: This Application and Agreement must be filed prior to making the decision to locate a new business in Miami-Dade County or to expand an existing Miami-Dade County business. However, an applying Company that is contemplating such a business decision may, upon request and Beacon Council recommendation, be considered by the County Mayor or the County Mayor's Designee for preserving inducement. If the County Mayor or the County Mayor's Designee authorizes preserving inducement the applying company maintains TJIF program eligibility. See Miami-Dade County Code Section 2-1256 for additional information.**

Section 8. Employer Identification

- 8.1 **Please note: The following form may not provide enough space for required answers. Please attach a separate page with tabs that refers to the question number. Please include supporting documentation or explanation with responses where appropriate.**
- 8.2 TARGETED JOBS INCENTIVE FUND (TJIF)
- a) Name of Company: Confidential Project: Alchemy
- b) Mailing Address: _____
- c) Primary Company contact-please include phone and fax numbers: _____

- d) Company's federal employer identification number: _____
- e) Company's unemployment compensation identification number: _____
- f) Company's Florida sales tax registration number: _____
- g) List NAICS codes of all activities of the Company: 518210
- h) Describe the Company's primary business activities: Data Storage

- i) You may request that your project information (including the information contained in this application) be confidential per Section 288.075 of the Florida Statutes, Confidentiality of Records.
- X YES, we request Confidentiality
 NO, we do not request confidentiality
- 8.3 a) Is the Company 51% or more minority-owned? _____ YES X NO
- b) If YES, please identify: Black/African American Hispanic Other
- c) Is the Company certified as a Black Business Enterprise (BBE), Women Business Enterprise (WBE), Hispanic Business Enterprise (HBE), Community Small Business Enterprise (CSBE), Community Business Enterprise (CBE) and/or Disadvantaged Business Enterprise (DBE) pursuant to Miami-Dade County Code?
 YES X NO
- 8.4 a) Has the Company or any of its officers ever been subjected to criminal or civil fines and penalties?
 YES X NO
- b) If YES, please explain: _____

Section 9. Project Identification / Information

- 9.1 Description of the type of business activity or product covered by the project:
- a) Is the business unit a (please choose one):
- X New business to Miami-Dade County - Data Center to operate a co-location platform that enables customers to build tailored, sustainable, carrier, and cloud-neutral data solutions.
- An expansion of an existing Miami-Dade County business

- b) If an expanding business, how many Miami-Dade County-located employees are there currently in the expanding business unit: N/A
- c) Provide a full description of the project: New data center facility with an estimated initial investment of \$154 million and the creation of 30 leadership, operations, and security jobs paying an average of \$71,733 plus benefits.

9.2 Check the appropriate box and complete the line item:

- Project's current location, if applicable: _____

X Project's proposed location, if different from above

☐ Anticipated Miami-Dade County Commission District(s): Unincorporated Miami, County Commission District 02 - Commissioner Marleine Bastien

9.3 Check the boxes that best defines your project:

- | | |
|---------------------------------------|---------------------------|
| 1 • regional headquarters office | 5 • manufacturing |
| 2 • national headquarters office | 6 • office/administration |
| 3 • world headquarters office | 7 • sales & marketing |
| 4 • Latin America headquarters office | 8 X Data Storage |

9.4 If the project is not a headquarters, or if it includes other target industries, indicate the major industry groups(s) and the four-digit NAICS code of each target industry or industries included in this project:

Business Activities	4-digit NAICS Code
<u>Data Processing, Hosting, and Related Services</u>	<u>518210</u>
_____	_____
_____	_____
_____	_____

9.5 Project employment and wages:

- a) Existing jobs in Miami-Dade County N/A
- b) Total number of new jobs projected to be created by the project at the business location indicated in 9.2: 30
- c) Schedule of additional direct jobs and their average annual wage (not including benefits) created by the project by December 31st for each of the years indicated below:

Year	New Jobs	Average Annual Wage
2024	18	\$83,331
2025	12	\$54,337
	Total Average:	\$71,733

- d) Average annualized value of employer provided benefits associated with each new job created by the project in the first year indicated in (c): Health and Wellness/Welfare (Medical Benefits) \$13,970 and Retirement\$2,690 for total of \$16,660
- e) Square footage of proposed location indicated in 9.2 :
EXISTING _____ NEW: _____ 150,000 (50,000 x 3 stories) _____
- 9.6 a) Anticipated commencement date of project: _____ 2024 _____
- b) Anticipated timeframe when the project will be completed: _____ 2025 _____
- 9.7 Amount of incentive award requested from Miami-Dade County \$ _____ 3,312,090 _____

Section 10. Project Impact Information

- 10.1 Miami-Dade County Ordinance 00-98 as amended by Ordinance 18-36 requires that Miami-Dade County review and evaluate the Application based on the following issues. Therefore, thorough and concise responses to the items below are very important.

10.2 **Incentive Rationale:**

Project Alchemy is considering the location of a new data center project in Miami-Dade County. The project is competitive as the company has other existing identified locations across the country and globally that could serve as future potential data center sites or expansions of existing operations. These locations include Phoenix, Arizona; Northern Virginia; and Austin, Texas, among others.

Currently, sites in at least three states are being evaluated as potential locations, and all have offered incentives at the local level in the past, including cash grants, property tax reductions, and other programs. As in all location decisions, cost is a major factor in the company's final decision so any incentives available at the state and local level will be critical in the evaluation.

The project is currently in the design/due diligence phase to determine if the site in Miami-Dade is feasible for the project. If the project were to locate here, the company would eventually purchase the property ensuring its long-term commitment to economic growth and employment in the county.

10.3 **Project Impact:**

This project will have a significant impact on the state, regional and local economy of Miami-Dade County.

First, the estimated 30 new jobs paying \$71,733 on average per year plus additional job creation through potential tenants that occupy the data center facility will provide a significant impact by resulting in more high-paying jobs in the community.

Second, the initial \$154 million investment by Project Alchemy will be extremely impactful, especially from a sales and property tax perspective over the next 10 years and beyond. This project has the potential to add significant annual tax revenue to Miami-Dade County.

10.4 **Corporate Responsibility, Environmental and Growth Management:**

Project Alchemy recognizes the importance of environmental stewardship and continuously seek new ways that it, and its customers, can reduce their footprint and have a positive impact on the environment in all its locations across the country. In 2018, the parent company of Project Alchemy, the “Company”) joined the RE100 and committed to 100 percent renewable energy and to reduce greenhouse gas emissions to help meet the Paris Climate Accord. In 2020, the Company cut its greenhouse gas emissions by 52 percent, which was six years ahead of schedule. In 2021, the Company signed the Amazon Climate Pledge, setting the goal to be carbon neutral by 2040, and is also part of the United Nations 24/7 Carbon-Free Energy (CFE) Compact.

The Company is also a member of the Rocky Mountain Institute’s Business Renewable Center and the Clean Energy Buyers Association (CEBA), with commitments to wind and solar power making it one of the top 25 buyers of clean energy among the FORTUNE 1000 and a top 70 energy buyer in the Environmental Protection Agency Green Power Partnership.

In addition, each new Company data center facility in North America , including the proposed location in Miami-Dade County, will be constructed to BREEAM (Building Research Establishment Environment Assessment Method) green building standards, which is the world’s longest established method of assessing, rating, and certifying the sustainability of buildings.

Also related to corporate citizenship, in 2022, the Company received a 100% on the Human Rights Campaign Corporate Equality Index for the fifth year in a row, and the Company was also a top scorer on the 2022 Disability Equality Index (DEI).

10.5 **Capital Investment:**

- a) Describe the capital investment in real and personal property (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment):
Construction of new data center facility that will include new data center equipment

- b) List the amount and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Miami-Dade County project:

Amount \$ 108M Construction/Renovations _____
 Amount \$ 46M Manufacturing/Equipment (Mechanical, Electrical, Plumbing Equipment) (Please see attached equipment list)
 Amount \$ _____ Other Equipment

10.6 **Indicate other incentive programs the Company will be applying for:**

- | | |
|--|---|
| ☐ Enterprise Zone | ☐ Opportunity Zones |
| ☐ Refund of Impact Fees | ☐ Sales Tax Refunds |
| ☐ Jobs Tax Credit | ☐ Transportation "Road Fund" |
| ☐ Qualified Target Industry | ☐ Quick Response Training |
| X Other <u>FL Data Center Sales Tax Exemption</u> | |

Section 11. Please initial below indicating your agreement:

- 11.1 X that Miami-Dade County may review and verify the financial and personnel records of the Company and/or perform on site visits to verify employment relating to the new jobs, review said financial and personnel records, and ascertain whether the Company is compliance with the terms of the Application/Agreement and the TJIF program requirements;
- 11.2 X that compliance with the terms and conditions of the approved Application/Agreement and with the TJIF program requirements is a condition precedent for the receipt of any TJIF award in a fiscal year and that the Company's failure to comply with the terms and conditions of the approved Application/Agreement results in the loss of eligibility for receipt of TJIF awards and the revocation by the County Mayor or the County Mayor's Designee of the certification of the Company as a TJIF eligible business;
- 11.3 X that the payment of TJIF awards are conditioned on and subject to specific annual appropriations by the Board sufficient to pay amounts under the approved Application/Agreement;
- 11.4 X that Miami-Dade County shall be notified in writing, within 60 days, of any development that impacts the implementation or operation of this Agreement or the project that this Agreement covers. Such developments will include, but not be limited to: commencement of and full implementation of the project; significant project delays; cancellation of the project; and all material changes of the project; and
- 11.5 X that the Company will maintain personnel and financial records related to jobs, wages, and taxes paid which are the subject of this Agreement and submit summary reports of said records to Miami-Dade County as part of each annual claims-submission. The

Company will retain said personnel and financial records for a period of three (3) years after payment of the last cash incentive award.

- 11.6 X that the Company must apply by May 15 in each fiscal year to be considered to receive a TJIF award in the following County fiscal year.
- 11.7 X **that no incentive amounts shall be disbursed after the fiscal year set forth in the TJIF Application/Agreement and the Board-approved TJIF Resolution. Disbursement dates can only be extended by one year and must be waived/approved by the Board.**
- 11.8 X that if a Company does not achieve the job creation schedule outlined in its approved resolution, but achieves at least 80% of the required net new jobs, the Company will receive a prorated 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.**
- 11.9 X that the Company will not enter into a lease agreement before the final approval, without written permission from the County.
- 11.10 X If a company fails to submit an application for reimbursement within three years of the first job creation benchmarks pursuant to Section 9.5 (c) in this application, the TJIF award will be canceled without notice.
- 11.11 X that the company agrees to pay ALL current employees the Living Wage Rate pursuant to the attached Living Wage Rate notification published by the Internal Services Department, Small Business Development Division.

THE INFORMATION IN SECTIONS 12–15 TO BE COMPLETED BY THE BEACON COUNCIL

Section 12. Projected New Revenue to Miami-Dade County

List the amount and type of projected taxes this project will provide in the form of new revenue to Miami-Dade County

Amount 5,256,318

Property Taxes General Fund

Amount \$

Other Taxes

Section 13. If Project will be locating or expanding in a Designated Priority Area (Check all that apply.)

- ☒ Targeted Urban Area or Enterprise Zones
☐ _____ (indicate specific TUA or EZ)
☐ Community Development Block Grant area
☒ Brownfield site
☐ Opportunity Zone

Section 14. Application Confirmation

- 14.1 Company Telephone Contact Number _____
 14.2 Date Application Received by The Beacon Council 8/24/2023
 14.3 Date Application Completed/Finalized 9/6/2023
 14.4 Date Application presented to Miami-Dade County 9/6/2023

Section 15. Maximum Award and Agreement End Date

(To be completed by The Beacon Council and/or Miami-Dade County.)

- 15.1 \$ 3,312,090: The maximum amount of TJIF cash incentive awards which the Company is eligible to receive on the project.

<u>Year</u>	<u>Maximum Award in Fiscal Maximum Amount</u>
FY <u>2024/2025</u>	\$ <u>\$331,209</u>
FY <u>2025/2026</u>	\$ <u>\$331,209</u>
FY <u>2026/2027</u>	\$ <u>\$331,209</u>
FY <u>2027/2028</u>	\$ <u>\$331,209</u>
FY <u>2028/2029</u>	\$ <u>\$331,209</u>
FY <u>2029/2030</u>	\$ <u>\$331,209</u>
FY <u>2030/2031</u>	\$ <u>\$331,209</u>
FY <u>2031/2032</u>	\$ <u>\$331,209</u>
FY <u>2032/2033</u>	\$ <u>\$331,209</u>
FY <u>2033/2034</u>	\$ <u>\$331,209</u>

- 15.3 The term of this Agreement shall commence upon full execution of this Agreement and continue through 2034, unless terminated earlier in accordance with the Code of Miami-Dade County, Chapter 2, Article LXXXVI, and as further modified by Ordinance No. 11-08, as may be amended.

Section 16. Parties

The parties designate the following offices and addresses:

County: Department of Regulatory and Economic Resources
Miami-Dade County
111 NW 1st Street – 12th Floor
Miami, FL 33128

Company: _____

Section 17. Termination

- 17.1 This Agreement may be terminated by Miami-Dade County upon failure of the Company to comply with any material term or condition of this Agreement or a decision by the Company not to proceed with the project. A termination will result in the loss of eligibility for receipt of all cash incentive awards previously approved and scheduled, but not paid, as well as the revocation of the certification as a TJIF business. The foregoing notwithstanding, in the event that Miami-Dade County fails to pay the Company a cash incentive award to which the Company is eligible under Agreement as a result of insufficient County funds or for any reason whatsoever, the Company shall have the right to terminate this Agreement and shall be entitled to retain any cash incentive award or credits previously paid or awarded to the Company by Miami-Dade County under this Agreement. Compliance with the terms and conditions of the Agreement, and with all requirements of the TJIF Program as set forth in Miami-Dade County Code Sections 2-1251-1260, is a condition precedent for receipt of cash incentive awards each year. The failure to comply with the terms and conditions of this Agreement and the requirements of the TJIF Program shall result in the loss of eligibility for receipt of all cash incentive awards previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the County Mayor or the County Mayor's Designee.
- 17.2 This Agreement may be terminated by Miami-Dade County if it finds that the Company has provided false or misleading information in any part of this Application and Agreement or if the Company attempts to meet any of its obligations under this TJIF Program through fraud, misrepresentation or material misstatement. If Miami-Dade County terminates this Agreement for breach of this Section 18.2, the Company shall within 90 days refund to the County all cash incentives awards paid to the Company as a result of the false information.

- 17.3 This Agreement may be terminated by Miami-Dade County if the Company is delinquent on any Miami-Dade County taxes for a period of two years or longer.

Section 18. Legal Requirements

- 18.1 This Agreement is executed and entered into in the State of Florida, and will be construed, performed and enforced in all respects in accordance with the laws and rules of the State of Florida. Each party will perform its obligations in accordance with the terms and conditions of this Agreement. Any and all litigation arising under this Agreement shall be brought in the appropriate court in Miami-Dade County, Florida. If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder of the Agreement will remain in full force and effect and such term or provision will be deemed stricken.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives on this _____ day of _____, 2023.

ATTEST: (SEAL)
FLORIDA

MIAMI-DADE COUNTY,

By: _____
Print: _____
Title: _____

By: _____
Print: _____
Title: _____

Approved as to form and legal sufficiency:

By: _____
Assistant County Attorney

State of Florida)
County of Miami-Dade)

The foregoing instrument was acknowledged before me by _____, _____, County Mayor or Mayor's designee, and _____, Deputy Clerk, respectively, on behalf of Miami-Dade County, Florida, this _____ day of _____, _____.

Notary Public – State of Florida
Print Name: _____

Commission expires: _____

ATTEST: (SEAL)

Company name: _____

By: _____
Print: _____
Title: _____

By: _____
Print: _____
Title: _____

State of Florida)
County of Miami-Dade)

The foregoing instrument was acknowledged before me by _____
_____, _____(Title), on behalf of _____(Company),
this _____ day of _____, _____.

Notary Public – State of Florida
Print Name: _____

Commission expires: _____