

MEMORANDUM

Agenda Item No. 3(B)(2)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving confidential Project Apollo 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 Apollo exists; providing an appropriation of up to \$3,633,902.00 from Countywide General Fund revenues for Fiscal Years 2029-30 through 2038-39; 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-1055-24

The accompanying resolution was prepared Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001

Memorandum



Date: December 3, 2024

To: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

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

Executive Summary

This item seeks the Board of County Commissioners' approval for Confidential Project Apollo (Apollo) to participate in the Targeted Jobs Incentive Fund (TJIF) program, a key initiative designed to foster business growth and job creation in Miami-Dade County "County".

Apollo is poised to develop a cutting-edge, 75,000-square-foot data center in unincorporated Miami-Dade County, within Commission District 12, with construction set to begin in FY 2026-27. This advanced facility will enhance data center operations and is projected to generate 27 high-quality jobs with an average annual salary of \$80,000.00. Additionally, Apollo will invest \$150 million in capital improvements. The project is expected to produce \$5,929,583.00 in incremental property tax revenues for the Countywide General Fund over a ten-year period.

In recognition of this substantial investment, Apollo is eligible for \$3,633,902.00 in TJIF incentives, to be disbursed over ten (10) years contingent upon verification of job creation, capital investment, and tax payments. This initiative is anticipated to deliver a net positive fiscal impact of \$2,295,683.00 for the County.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve Apollo's participation in the TJIF program. Additionally, approval is requested for \$3,633,902.00 in TJIF assistance from Countywide General Fund Revenue and an expedited two-year job creation schedule, as opposed to the standard three-year schedule.

Scope

Apollo's proposed data center will provide 15MW of critical IT capacity, advancing networking, computing, and storage infrastructure crucial for Miami-Dade County's connectivity and business operations. The project will create a significant countywide economic impact through direct job creation and an economic multiplier effect, extending benefits beyond its District 12 location, represented by Commissioner Juan Carlos Bermudez.

Apollo has committed to generating 27 new full-time jobs as defined in section 288.106, Florida Statutes, and will contribute positively to indirect employment and overall economic growth.

Delegation of Authority

This resolution authorizes the County Mayor or the County Mayor’s designee to make non-substantive adjustments to the job creation and disbursement timelines and to execute all necessary contracts, agreements, and amendments between Miami-Dade County and Apollo.

Fiscal Impact/Funding Source

With a capital investment of \$150 million, Apollo is projected to generate \$5,929,583.00 in incremental property tax revenues for the Countywide General Fund over a ten-year period. Based on these projections, Apollo qualifies for \$3,633,902.00 in TJIF assistance, payable over the same period, resulting in a net positive fiscal impact of \$2,295,683.00 for the County.

The TJIF award will be disbursed based on verified job creation and capital investment, with the award capped according to Apollo’s real and tangible personal property investments to ensure compliance with TJIF program requirements.

Track Record/Monitor

The TJIF program requires that approved projects create at least ten (10) new jobs, retain them according to program criteria, and make significant capital investments to qualify for the incentive. Apollo has committed to a \$150 million investment and 27 new jobs.

The Department of Regulatory and Economic Resources, specifically its Research and Planning Division, will verify Apollo’s adherence to these requirements, including job creation and wage standards, and ensure that ad valorem and tangible personal property taxes are sufficient to cover the TJIF payment.

Background

The TJIF program provides cash incentives to Miami-Dade companies undertaking expansions that create a minimum of ten (10) new high-paying jobs and involve a capital investment of at least \$3 million, as outlined in Chapter 2, Article LXXXVI of the Code of Miami-Dade County.

Apollo’s project involves constructing a state-of-the-art, two-story, 75,000-square-foot data center in unincorporated Miami-Dade County (NAICS Code #518210), with Los Angeles, CA, and Philadelphia, PA, considered as alternative locations.

As a condition for receiving the TJIF award, Apollo will ensure that the 27 new employees have an average annual salary of \$80,000.00 (excluding benefits) and provide additional benefits valued at \$10,000.00. While benefits are not a TJIF requirement, Apollo will also adhere to the living wage requirements set forth in Miami-Dade County Code §2-8.9, effective October 1, 2023, to September 30, 2024.

The job creation schedule and incentive disbursement dates are detailed in the resolution but may be adjusted with approval from the County Mayor or County Mayor’s designee, in alignment with TJIF Program guidelines.

Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners
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The application has been endorsed by the Beacon Council and reviewed by the Office of Innovation and Economic Development and the Department of Regulatory and Economic Resources.

Attachment



Francesca de Quesada Covey
Chief Innovation and Economic Development Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(2)

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 ____, majority plus one ____, 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) ____, 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)(2)
12-3-24

RESOLUTION NO. R-1055-24

RESOLUTION APPROVING CONFIDENTIAL PROJECT APOLLO 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 APOLLO EXISTS; PROVIDING AN APPROPRIATION OF UP TO \$3,633,902.00 FROM COUNTYWIDE GENERAL FUND REVENUES FOR FISCAL YEARS 2029-30 THROUGH 2038-39; 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 Apollo 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 Apollo 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 and to expedite a two-year job creation schedule instead of the standard three-year schedule.

Section 5. Finds that the commitment of incentive awards for Confidential Project Apollo exists in an amount not to exceed \$3,633,902.00 from Countywide General Fund revenues, and is conditioned on and subject to specific annual appropriations by the Board in the following increments:

Fiscal Year 2029-30 - \$363,390.00
Fiscal Year 2030-31 - \$363,390.00
Fiscal Year 2031-32 - \$363,390.00
Fiscal Year 2032-33 - \$363,390.00
Fiscal Year 2033-34 - \$363,390.00
Fiscal Year 2034-35 - \$363,390.00
Fiscal Year 2035-36 - \$363,390.00
Fiscal Year 2036-37 - \$363,390.00
Fiscal Year 2037-38 - \$363,390.00
Fiscal Year 2038-39 - \$363,392.00

Total: \$3,633,902.00

with the provision that any tax abatement granted to Confidential Project Apollo 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 Apollo with the stipulation Confidential Project Apollo 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 Apollo 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 Apollo maintaining the 27 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 Apollo 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 **Kevin Marino Cabrera** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of December, 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 "S.D.", is written over a horizontal line.

Shannon D. Summerset-Williams

Confidential Project Apollo Summary Sheet	
APPLICANT:	Confidential Project Apollo
HEADQUARTERS LOCATION:	Miami-Dade County
PROPOSED LOCATION IN MIAMI-DADE COUNTY:	District 12
OTHER LOCATIONS UNDER CONSIDERATION:	California and Pennsylvania
DATE OF QTI/TJIF APPLICATIONS:	September 5, 2024
OVERALL BUSINESS ACTIVITY/MISSION:	Information Technology
PROPOSED LOCAL BUSINESS ACTIVITY:	Data storage
PROPOSED CAPITAL INVESTMENT:	\$150,000,000.00
TARGETED QTI/TJIF INDUSTRIES:	Information Technology
PROPOSED LOCATION IN DESIGNATED PRIORITY AREA:	No
NEW BUSINESS OR EXPANDING BUSINESS:	New
TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:	27
EFFORT IN HIRING RESIDENTS IN LOCAL AREA:	Will be sourced locally
ESTIMATED ANNUALIZED AVERAGE WAGES FOR NEW JOBS:	\$80,000.00
ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$10,00.00 (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	\$134,588.96
MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$3,633,902.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$5,929,583.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: Information and data in this summary sheet provided by 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.



September 5, 2024

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

Re: Confidential Project: APOLLO

Dear Ms. Gomez:

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

Confidential Project: APOLLO will create 27 new jobs at an average wage of at least \$80,000 (above the average wage in Miami-Dade County) and make a capital investment of \$150,000,000 in Miami-Dade County (Dist 12/Bermudez). Alternative locations for this project include Los Angeles, CA and Philadelphia, PA.

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 \$3,633,902 paid over a period of ten years. 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 'Iona Vega Jaramillo'.

Iona Vega Jaramillo
VP, International 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: Apollo

September 2024

Prepared by:



Executive Summary for Confidential Project: Apollo

Background

Confidential Project: Apollo is the establishment of a state-of-the-art data center in Miami-Dade County. Confidential Project: Apollo will create 27 new jobs at an average wage of at least \$80,000 (higher than the average wage in Miami-Dade County) and make a capital investment of \$150,000,000 in Unincorporated Miami-Dade County (District 12/Bermudez). Alternative locations for this project include Los Angeles, CA and Philadelphia, PA.

Based on the capital investment of \$150,000,000 in new real property and personal property, Confidential Project: Apollo will generate \$5,929,583 in new Miami-Dade County General Fund Taxes over a ten-year period.

Recommendation

The enclosed TJIF application package requests a maximum of \$3,633,902 to be paid by the County over a period of ten years. The resulting net revenue benefit is 1:1.63.

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: Apollo

Project Summary:	
Project Name	Confidential Project: Apollo
New Jobs	27
Average Salary	\$80,000
New Capital Investment	\$150,000,000
New Square Footage	75,000
TJIF Award:	
Miami-Dade County Incremental Tax Revenue	\$5,929,583
TJIF Award	\$3,633,902
Net Revenue Benefit to Miami-Dade	\$2,295,683
Total Cost-Benefit Ratio	1:1.63

TJIF 10-Year Fiscal Analysis: Real Property
Project Apollo

Variable	Value	As % of Capital Inv
Tax Increment Analysis		
Capital Investment	\$150,000,000	100.0%
Market/Capital Inv Ratio	0.85	
Assessed Value	\$127,500,000	85.0%
Budget Adjustment Factor	0.95	
Available for Ad-valorem Taxes, year 1	\$121,125,000	80.8%
Annual Net Appreciation Rate	1.50%	
Available for Ad-valorem Taxes, year 2	\$122,941,875	
Available for Ad-valorem Taxes, year 3	\$124,786,003	
Available for Ad-valorem Taxes, year 4	\$126,657,793	
Available for Ad-valorem Taxes, year 5	\$128,557,660	
Available for Ad-valorem Taxes, year 6	\$130,486,025	
Available for Ad-valorem Taxes, year 7	\$132,443,315	
Available for Ad-valorem Taxes, year 8	\$134,429,965	
Available for Ad-valorem Taxes, year 9	\$136,446,415	
Available for Ad-valorem Taxes, year 10	\$138,493,111	
Countywide GF Millage per \$1000	4.574	
10-Year Additional General Fund Tax Revenue	\$5,929,583.40	4.0%
Average Yearly Additional Tax Revenue	\$592,958	
TJIF Incentive Analysis		
	Y=1	As % of Capital Inv
Base TJIF Award/Tax Increment		
TJIF Base Award	\$3,210,000	2.140%
TJIF Bonus Awards		
Green Business Certification	1	0.220%
Designated Priority Area Award	0	0.220%
Green Certified Building Award	1	0.063%
Alt. Energy Producer or Installer Award	0	0.063%
Maximum Potential TJIF Award		2.423%

TJIF 10-Year Fiscal Analysis: Personal Property
Project Apollo

Variable	Value	As % of Capital Inv
Tax Increment Analysis		
Capital Investment	\$0	#DIV/0!
Market/Capital Inv Ratio	0.85	
Assessed Value	\$0	#DIV/0!
Budget Adjustment Factor	0.95	
Available for Ad-valorem Taxes, year 1	\$0	#DIV/0!
Annual Depreciation (Value)*	\$0	
Available for Ad-valorem Taxes, year 2	\$0	
Available for Ad-valorem Taxes, year 3	\$0	
Available for Ad-valorem Taxes, year 4	\$0	
Available for Ad-valorem Taxes, year 5	\$0	
Available for Ad-valorem Taxes, year 6	\$0	
Available for Ad-valorem Taxes, year 7	\$0	
Available for Ad-valorem Taxes, year 8	\$0	
Available for Ad-valorem Taxes, year 9	\$0	
Available for Ad-valorem Taxes, year 10	\$0	
Countywide GF Millage per \$1000	4.574	
10-Year Additional General Fund Tax Revenue	\$0.00	#DIV/0!
Average Yearly Additional Tax Revenue	\$0.00	
TJIF Incentive Analysis		
	Y=1	As % of Capital Inv
Base TJIF Award/Tax Increment		
TJIF Base Award	\$0	1.440%
TJIF Bonus Awards		
Green Business Certification Bonus Award	0	0.220%
Designated Priority Area Bonus Award	0	0.220%
Green Certified Building Bonus Award	0	0.063%
Alt. Energy Producer or Installer Bonus Award	0	0.063%
Maximum Potential TJIF Award		#DIV/0!

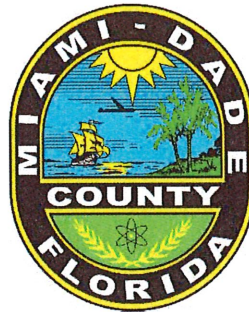
* Depreciation based on 10% scrap value at end of 10th year and taken on straight line basis.

Base TJIF	Annual Increment
FY2028-29	\$3,633,902
FY2029-30	\$563,390
FY2030-31	\$563,390
FY2031-32	\$563,390
FY2032-33	\$563,390
FY2033-34	\$563,390
FY2034-35	\$563,390
FY2035-36	\$563,390
FY2036-37	\$563,390
FY2037-38	\$563,390
Total TJIF	\$3,633,900

Tax Increment \$5,929,583
 Net Fiscal Imp \$2,295,683
 B/C Ratio 1.63
 Job Bonus \$0.00

Proposed Job Bonus
 For every additional 50 jobs created an additional .15% of total investment will be added at the end of the 10th year. All jobs promised will have to be in place (no partial credit will be given). For this project the bonus (50 jobs) will be equal to:
 Total Capex * .0015 * group of 50 jobs= \$x

Miami-Dade County, Florida



Application and Agreement for Targeted Jobs Incentive Fund (TJIF)

CONFIDENTIAL PROJECT APOLLO

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.

The completed and signed application must be filed with:

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



Section 1. Targeted Jobs Incentive Fund (TJIF) Background

- 1.1 The Targeted Jobs Incentive Fund is an initiative developed by The Miami-Dade Beacon Council and Miami-Dade County to attract relocating out-of-area businesses and encourage expansion of local companies by providing a tax rebate incentive. An applicant 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.
- 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, average salary, and capital investment commitments along with 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; and
 - j. Headquarters including regional headquarters (NAICS Code 5511).

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 IMPLAN or REMI 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 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.

Section 4. Payment of Incentive

- 4.1 The TJIF program is a performance based incentive program; therefore, verification of the new jobs created, 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.
- 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 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 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 an addendum 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 Miami-Dade Beacon Council
Targeted Jobs Incentive Fund (TJIF)
80 S.W. 8th Street, Suite 2400
Miami, Florida 33130
Phone: 305-579-1300**
- 7.5 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: If more space is required for answers, please attach addendum labeled with the number of the relevant question from the Application and Agreement form.
- 8.2 TARGETED JOBS INCENTIVE FUND (TJIF)
- a) Name of Company:
 - b) Mailing Address:
 - c) Primary contact - include phone & email:
 - d) Company's federal employer identification number:
 - e) Company's unemployment compensation identification number: N/A
 - f) Company's Florida sales tax registration number: N/A
 - g) List NAICS codes of all activities of the Company: 518210
 - h) Describe the Company's primary business activities: Data Center Development and Operation
 - 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.

YES, we request Confidentiality
 NO, we do not request confidentiality
- 8.3 a) Is the Company 51% or more minority owned? YES 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 NO
- 8.4 a) Has the Company or any of its officers ever been subjected to criminal or civil fines and penalties?
 YES 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):

New business to Miami-Dade County

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:

c) Provide a full description of the project:

The proposed data center project in Miami-Dade County will entail a \$150M capital investment in state-of-the-art technology infrastructure for a 2-story, 75,000 square foot facility, providing 15MWs of Critical IT capacity for advanced networking, computing, and storage hardware.

The tenants of the proposed data center will procure the hardware that goes into the data center, representing an Incremental \$500M personal property investment and tax base. The facility will be highly reliable, fed by FP&L with 2 X 23kV distribution circuits.

Overall, the project will enhance connectivity, promote economic growth, and foster further technology innovation and investment in Miami-Dade County.

9.2 Check the appropriate box and complete the line item:

Project's current location, if applicable:

Project's proposed location, if different from above: Miami, FL 33182

Anticipated Miami-Dade County Commission District(s): 12

9.3 Check the boxes that best defines your project:

Regional headquarters office

Manufacturing

National headquarters office

Office/Admin

World headquarters office

Sales & marketing

Latin America headquarters office

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
Computing infrastructure providers	5182

9.5 Project employment and wages:

a) Existing jobs in Miami-Dade County, if applicable: N/A

b) Total number of new jobs projected to be created by the project at the business location indicated in 9.2:

- 27 New Full Time Jobs

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	# of New Jobs	Average Annual Wage
2027	18	\$80,000
2028	9	\$80,000

d) Average annualized value of employer provided benefits associated with each new job created by the project in the first year indicated in (c):

- \$10,000

e) Square footage of proposed location indicated in 9.2:

EXISTING: 0

NEW: 75,000

9.6 a) Anticipated commencement date of project: 2026

b) Anticipated timeframe when the project will be completed: 2027

9.7 Amount of incentive award requested from Miami-Dade County:

\$3,633,902

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 Apollo 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 that could serve as future potential data center sites. These locations include Los Angeles and Philadelphia. Currently, all sites (including Miami-Dade) are being evaluated as potential locations and Los Angeles and Philadelphia have offered incentives.

As in all location decisions, cost is a major factor in the company's final decision so any incentives that are 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.

10.3 Project Impact:

This potential project will entail a \$150M capital investment in a site located in unincorporated Miami-Dade County. The investment will enable new investment and redevelopment, adding value to the nearby community and neighboring areas. The data center operation will require 27 full-time employees for 24x7 security and engineering operations, with employees receiving compensation in the range of \$80K/year, well above the County average salary.

In addition, the data center tenants will also have their own employees, likely doubling the combined total number of full-time employees (~54) related to this project.

10.4 Corporate Responsibility, Environmental and Growth Management:

As a newly incorporated company, Project Apollo has no direct past activities in Miami-Dade County or other US states. However, the company's founding team brings a wealth of experience in planning and developing data centers, having worked with industry giants such as Amazon Web Services, Facebook, and Iron Mountain. The leadership team at Project Apollo is committed to sustainable and environmentally conscious data center development. The firm prioritizes environmental stewardship by implementing green practices in data center design and operation, such as energy efficiency measures, water conservation, and waste reduction. We also prioritize community engagement to foster positive relationships with local stakeholders through transparent communication and involvement in community initiatives.

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): Project Apollo will be constructing a new data center facility. The center's tenants will subsequently buy new server and networking equipment to install in the data center.

- 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 \$150,000,000	Construction/Renovations
Amount	Manufacturing Equipment
Amount	Other Equipment

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

FPL Negotiated Rate Program

Section 11. Please initial below indicating your agreement:

- 11.1 *SC* 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 *SC* 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 *SC* 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 *SC* 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 *SC* 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 *SC* 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 *SC* that no incentive amounts shall be disbursed after the last 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 *SC* 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 SC that the Company will not enter into a lease agreement before the final approval, without written permission from the County.
- 11.10 SC 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.
- 11.11 SC 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 \$5,929,583	Property Taxes
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 TUA or EZ name)
- 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 Miami-Dade Beacon Council
- 14.3 Date Application Completed/Finalized 9/5/2024
- 14.4 Date Application presented to Miami-Dade County
9/5/2024

Section 15. Maximum Award and Agreement End Date

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

15.1 The maximum amount of TJIF cash incentive awards which the Company is eligible to receive on the project: \$3,633,902

<u>15.2 Maximum Award in Fiscal Year</u>	<u>Maximum Amount</u>
FY 2029	\$363,390
FY 2030	\$363,390
FY 2031	\$363,390
FY 2032	\$363,390
FY 2033	\$363,390
FY 2034	\$363,390
FY 2035	\$363,390
FY 2036	\$363,390
FY 2037	\$363,390
FY 2038	\$363,390

The term of this Agreement shall commence upon full execution of this Agreement and continue through 2038, 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.

Company Name:

Applicant Name:

Applicant Title:

Date:

Applicant Signature:

Notary Public:

Print Name: