

1 **A RESOLUTION**

2

3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLANDO,**
4 **FLORIDA, RECOMMENDING THAT LATINO ENTERPRISES, INC. d/b/a LA**
5 **CHIQUITA TORTILLA MANUFACTURER BE APPROVED AS A QUALIFIED**
6 **TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA**
7 **STATUTES; AFFIRMING THIS IS A MANUFACTURING PROJECT;**
8 **REQUESTING A WAIVER OF THE AVERAGE WAGE REQUIREMENT IN**
9 **SECTION 288.106(4)(b)1.a, FLORIDA STATUTES; AND PLEDGING LOCAL**
10 **FINANCIAL SUPPORT IN ACCORDANCE WITH SECTION 288.106, FLORIDA**
11 **STATUTES; PROVIDING FOR SEVERABILITY, CORRECTION OF**
12 **SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

13

14 **Whereas,** in 1994, the Florida Legislature passed legislation establishing a
15 “Qualified Target Industry Tax Refund Program” (“QTI Program”) to encourage the
16 creation of new high wage job opportunities in the State of Florida by providing tax
17 refunds to qualified target industries; and

18 **Whereas,** to qualify for QTI Program incentives, Florida law requires a resolution
19 from the governing board of the local government recommending that a business be
20 approved as a qualified target industry business; and

21 **Whereas,** the City Council of the City of Orlando, Florida wishes to recommend
22 that Latino Enterprises, Inc. d/b/a La Chiquita Tortilla Manufacturer (“La Chiquita

1 Tortilla”) be approved by the Division of Strategic Business Development of the State of
2 Florida as a qualified target industry business; and

3 **Whereas,** La Chiquita Tortilla is a food manufacturing business and thus is
4 eligible to receive a waiver of the average wage requirement as authorized by section
5 288.106(4)(b)1.b., Florida Statutes; and

6 **Whereas,** La Chiquita Tortilla is considering establishing a manufacturing facility
7 in the City of Orlando and thereby adding approximately one hundred ten (110) new jobs
8 to the area; and

9 **Whereas,** La Chiquita Tortilla will commit to pay an average wage of
10 \$43,680.00, which is 102% of the State of Florida average annual wage; and

11 **Whereas,** La Chiquita Tortilla has applied to the Office of the Governor, Division
12 of Strategic Business Development for approval as a QTI Program participant; and

13 **Whereas,** competition for La Chiquita Tortilla exists outside the State of Florida,
14 and financial incentives are necessary to ensure that the company expands in the City of
15 Orlando rather than elsewhere; and

16 **Now, therefore,** be it resolved by the City Council of the City of Orlando,
17 Florida, as follows:

18 1. The City Council of the City of Orlando, Florida, does hereby recommend
19 that the State of Florida Division of Strategic Business Development approve La Chiquita
20 Tortilla as a qualified target industry business as described by section 288.106, Florida
21 Statutes.

22 2. In accordance with the requirements of section 288.106, Florida Statutes,
23 and subject to the terms of this resolution, the City of Orlando pledges an amount not to

1 exceed Sixty-Six Thousand Dollars and No Cents (\$66,000.00), which represents the
 2 necessary commitment of local financial support for this qualified target industry
 3 business. Such funds shall be payable to the Florida Economic Development Trust Fund,
 4 with the stipulation that these funds are intended to represent the local participation
 5 element of section 288.106, Florida Statutes.

6 3. The pledge of funds pursuant to this resolution is contingent upon La Chiquita
 7 Tortilla being qualified by the State of Florida as a QTI Program participant and future
 8 budget appropriations by the Orlando City Council. The City of Orlando pledges local
 9 financial support in the amount of Sixty-Six Thousand Dollars and No Cents
 10 (\$66,000.00) for the Qualified Target Industry Tax Refund Program in the following
 11 amounts:

<u>Fiscal Year</u>	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	<u>Phase 4</u>	<u>Phase 5</u>
2017/18	\$4,200				
2018/19	\$4,200	\$3,000			
2019/20	\$4,200	\$3,000	\$3,300		
2020/21	\$4,200	\$3,000	\$3,300	\$3,000	
2021/22		\$3,000	\$3,300	\$3,000	\$3,000
2022/23			\$3,300	\$3,000	\$3,000
2023/2024				\$3,000	\$3,000
2024/2025					\$3,000
TOTAL:					\$66,000

22 4. In the event that La Chiquita Tortilla is approved by the State of Florida
 23 for tax refunds in an amount less than the estimated amount, the total local financial

1 support to be paid by the City shall be proportionately reduced so that the total tax refund
2 awarded to La Chiquita Tortilla by the City will not exceed twenty percent (20%) of the
3 total tax refund awarded to La Chiquita Tortilla pursuant to the QTI Program.

4 5. The City further requests a waiver of the average wage requirement in
5 section 288.106(4)(b)1.a., Florida Statutes, because La Chiquita Tortilla is a targeted
6 growth industry that proposes to create 110 new jobs and will invest 9.8 million in
7 construction and equipment.

8 6. This resolution takes effect immediately upon passage.

9 7. The City Attorney may correct scrivener's errors found in this resolution
10 by filing a corrected copy of this resolution with the City Clerk.

11 8. If any provision of this resolution or its application to any person or
12 circumstance is held invalid, the invalidity does not affect other provisions or
13 applications of this resolution which can be given effect without the invalid provision or
14 application, and to this end the provisions of this resolution are severable.

15 **Done, and then resolved upon final passage**, by an affirmative vote of a
16 majority of a quorum present of the City Council of the City of Orlando, Florida, at a
17 regular meeting of the City Council of the City of Orlando, Florida, this ___ day of
18 _____, 2015.

19
20
21 _____
Mayor/Mayor Pro Tem

22 Attesting:

23
24
25 _____
Orlando City Clerk

_____ Date

[seal]

1 Approved as to form and legality for the use and reliance of the City of Orlando, Florida, only.

2

3

4 _____ Date

5

6 _____

7 Print Name