

1 **A RESOLUTION AMENDING A RESOLUTION**

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLANDO,**
4 **FLORIDA, AMENDING A RESOLUTION RECOMMENDING THAT LIMBACH**
5 **FACILITY SERVICES, LLC BE APPROVED AS A QUALIFIED TARGET**
6 **INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA**
7 **STATUTES, AND PLEDGING LOCAL FINANCIAL SUPPORT IN**
8 **ACCORDANCE WITH SECTION 288.106, FLORIDA STATUTES; PROVIDING**
9 **FOR SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND AN**
10 **EFFECTIVE DATE.**

11

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

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

19 **Whereas,** on January 11, 2016, the City Council of the City of Orlando, Florida
20 adopted a Resolution (“the Resolution”) recommending that Limbach Facility Services,
21 LLC (“LFS”) be approved by the Division of Strategic Business Development of the
22 State of Florida as a qualified target industry business; and

1 **Whereas**, the Resolution contained a payment schedule for the local financial
2 support the City had pledged that included a High-Impact Sector Bonus; and

3 **Whereas**, because it was later determined that LFS did not fall within one of the
4 high-impact sectors designated under Florida Statute 288.108, and thus did not qualify for
5 the High-Impact Sector Bonus pursuant to Florida Statute 288.106, the payment schedule
6 set forth in the Resolution needs to be amended; and

7 **Whereas**, this Amended Resolution (“this resolution”) will supersede and replace
8 the Resolution adopted on January 11, 2016, and

9 **Whereas**, the City Council of the City of Orlando, Florida wishes to recommend
10 that LFS be approved by the Division of Strategic Business Development of the State of
11 Florida as a qualified target industry business; and

12 **Whereas**, LFS is a targeted industry proposing to create high wage job
13 opportunities in an industry highly coveted by other states and nations; and

14 **Whereas**, LFS is considering expanding its Florida operations in the City of
15 Orlando and thereby adding approximately 31 new jobs to the area; and

16 **Whereas**, LFS will commit to pay an average wage of \$46,936.00, which is
17 115% of the Orlando Metropolitan Strategic Area average annual wage; and

18 **Whereas**, LFS has applied to the Office of the Governor, Division of Strategic
19 Business Development for approval as a QTI Program participant; and

20 **Whereas**, competition for LFS exists outside the State of Florida, and financial
21 incentives are necessary to ensure that the company expands in the City of Orlando rather
22 than elsewhere; and

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

3 1. The City Council of the City of Orlando, Florida, does hereby recommend
4 that the State of Florida Division of Strategic Business Development approve LFS as a
5 qualified target industry business as described by section 288.106, Florida Statutes.

6 2. In accordance with the requirements of section 288.106, Florida Statutes,
7 and subject to the terms of this resolution, the City of Orlando pledges an amount not to
8 exceed Eighteen Thousand, Six Hundred Dollars and No Cents (\$18,600.00), which
9 represents the necessary commitment of local financial support for this qualified target
10 industry business. Such funds shall be payable to the Florida Economic Development
11 Trust Fund, with the stipulation that these funds are intended to represent the local
12 participation element of section 288.106, Florida Statutes.

13 3. The pledge of funds pursuant to this resolution is contingent upon LFS
14 being qualified by the State of Florida as a QTI Program participant and future budget
15 appropriations by the Orlando City Council. The City of Orlando pledges local financial
16 support in the amount of Eighteen Thousand, Six Hundred Dollars and No Cents
17 (\$18,600.00) for the Qualified Target Industry Tax Refund Program in the following
18 amounts:

<u>Fiscal Year</u>	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	<u>Phase 4</u>	<u>Total</u>
2017/2018	\$1,650				\$1,650
2018/2019	\$1,650	\$1,200			\$2,850
2019/2020	\$1,650	\$1,200	\$900		\$3,750
2020/2021	\$1,650	\$1,200	\$900	\$900	\$4,650
2021/2022		\$1,200	\$900	\$900	\$3,000
2022/2023			\$900	\$900	\$1,800
2023/2024				\$900	\$ 900
TOTAL:					\$18,600

4. In the event that LFS is approved by the State of Florida for tax refunds in an amount less than the estimated amount, the total local financial support to be paid by the City shall be proportionately reduced so that the total tax refund awarded to LFS by the City will not exceed the actual percentage amount that was awarded by the City of the total tax refund awarded to LFS pursuant to the QTI Program.

5. This resolution takes effect immediately upon passage.

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

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

Done, and then resolved upon final passage, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting of the City Council of the City of Orlando, Florida, this ____ day of _____, 2016.

Mayor/Mayor Pro Tem

Attesting:

Orlando City Clerk

Date

[seal]

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

Assistant City Attorney	Date
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Print Name