Agenda Item No.:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	June 17, 2008	[] Consent [] Workshop	[] Regular [X] Public Hearing
Department: Submitted By:	Administration Economic Development Office	••	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2007-006, REVOKING THE AD VALOREM TAX EXEMPTION GRANTED TO FLORIDA TURBINE TECHNOLOGIES, INC.; PROVIDING FOR TITLE; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FOR REVOCATION OF EXEMPTION/RECOVERY OF FUNDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary: The Board adopted Ordinance 2007-006 Economic Development Ad Valorem Tax Exemption Ordinance with Florida Turbine Technologies, Inc. on May 15, 2007. The Ordinance provided a four (4) year exemption for 100% of the assessed value of all qualifying tangible personal property acquired and added improvements to real property, excluding land. While Florida Turbine Technologies, Inc. has successfully contracted for the design, development and manufacturing of missile aerospace technology, they were unable to create and retain the required number of jobs in 2007. They received a tax exemption of \$23,104.43 for 2007. Due to their failure to achieve the job creation/retention goals, they have submitted these funds in payment of the applicable tax. <u>Countywide</u> (DW)

Background and Policy Issues: The County's Economic Development Ad Valorem Tax Exemption Program was implemented by the Board pursuant to authority granted in Article VII, Section 3 of the Constitution of the State of Florida and Section 196.1995, Florida Statutes, and Ordinance No. 2005-004, known as the Economic Development Ad Valorem Tax Exemption Ordinance of Palm Beach County, Florida. The Economic Development Ad Valorem Tax Exemption Program was implemented by the Board as a vehicle to support economic growth by providing tax exemptions to new and expanding businesses which create jobs in Palm Beach County and provide an economic benefit to the local economy. Pursuant to the Palm Beach County Code, Article VII, Section 17-259, "Economic Development Ad Valorem Tax Exemption," the Board is empowered to revoke the exemption in the event that the company fails to satisfy the conditions set forth in Ordinance No. 2007-006.

Attachments:

1.	Ordinance for Florida Turbine Technologies, Inc. – Revocation
2.	Ordinance No. 2007-06
Recommende	ed By: Myglin
	Director Economic Development Date
Approved By	:_ Shanand Boyne 5/20/08
	Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>08</u>	20 <u>09</u>	2010	2011_	20 <u>12</u>
Capital Expenditures Grant Expenditure External Revenues Program Income (PBC) In-Kind Match (PBC)	$\begin{array}{c} 0 \\ 3, 104 \\ 0 \\ 0 \\ 0 \end{array}$	0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	0 0 0 0
NET FISCAL IMPACT	(23,104)				
# ADDITIONAL FTE POSITIONS (Cumulati	ve) <u>0</u>				
Is Item Included In Currer Budget Account No: Fun			Nox Unit	Object	

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The Property Appraiser's Office will notify the Tax Collector to issue appropriate documents to process the checks totaling \$23,104.43 in payment of the 2007 Ad Valorem Taxes due upon the revocation of Ordinance 2007-006.

C. Departmental Fiscal Review:

Economic Development

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

108 intract Administration

B. Legal Sufficiency:

Assistant County Atto

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

F:\Ad Valorem Tax Exemption\Florida Turbine Technologies\EDO - Florida Turbine May 6th 2008 BCC agenda revised.docm

1 2	ORDINANCE NO. 2008 -
3 4 5 6 7 8 9 10 11 12 13 14	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2007-006; REVOKING THE AD VALOREM TAX EXEMPTION GRANTED TO FLORIDA TURBINE TECHNOLOGIES INC.; PROVIDING FOR TITLE; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FOR REVOCATION OF EXEMPTION/RECOVERY OF FUNDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT: PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.
15 16 17 18 19 20	WHEREAS, on the Board of County Commissioners of Palm Beach County approved and adopted Ordinance 2007-006 on May 15, 2007, entitled "Economic Development Ad Valorem Tax Exemption Ordinance – Florida Turbine Technologies Inc."; and
21 22 23 24	WHEREAS, such Ordinance was adopted pursuant to the authority granted in Article VII, Section 3, of the Constitution of the State of Florida and Section 196.1995 Florida Statutes; and
25 26 27	WHEREAS, Florida Turbine Technologies Inc. failed to file the required annual report by March 2008 and failed to create jobs required; and
28 29 30 31 32	WHEREAS, Ordinance No. 2005-004 authorizes the revocation of the Ad Valorem Tax Exemption for failure to file the required annual reports, failure to continue to meet the definition of a new business or an expansion of an existing business, or failure to fulfill any other representation during the application process, and
33 34 35 36 37	WHEREAS, Ordinance No. 2007-006 empowers the Board of County Commissioners of Palm Beach County to revoke the exemption granted to Florida Turbine Technologies Inc., in the event Florida Turbine Technologies Inc. fails to satisfy the conditions set forth in such Ordinance.
38 39 40	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that;
41	SECTION 1. TITLE:
42	This Ordinance shall be known as the "Economic Development Ad Valorem Tax
43	Exemption Ordinance – Florida Turbine Technologies Inc. – Revocation of Exemption".
44	SECTION 2. ENACTMENT AUTHORITY:
45	Ordinance No. 2005-004 empowers the County to revoke Economic
46	Development Ad Valorem Tax Exemptions should any entity awarded an Ad Valorem
47	Tax Exemption fail to file an annual report or any other report required, fail to continue
48	or meet the definition of a new business or an expansion of an existing business, or fail
49	to fulfill any other representation made during the application process.
50	SECTION 3. REVOCATION OF EXEMPTION/RECOVERY OF FUNDS:
51	The Board of County Commissioners hereby revokes the Ad Valorem Tax

- 1 Exemption granted by Ordinance No. 2007-006. Said revocation shall become effective 2 on January 1, 2007.
- 3

SECTION 4. REPEAL OF LAWS IN CONFLICT:

4 All local laws and ordinances in conflict with any provision of this Ordinance are 5 hereby repealed to the extent of such conflict.

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SECTION 5. SEVERABILITY:

7 If any section, paragraph, sentence, cause, phrase, or word of this Ordinance is 8 for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance. 9

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SECTION 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

11 The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance 12 may be renumbered or relettered to accomplish such, and the word "ordinance" may be 13 changed to "section", "article" or other appropriate word. 14

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By:_

By:

SECTION 7. EFFECTIVE DATE:

16 The provisions of this Ordinance shall become effective upon filing with the Department of State, with the effective date of the revocation January 1, 2007. 17

18 APPROVED AND ADOPTED by the Board of County Commissioners of Palm 19

Beach County, Florida, on the _____day of _____, 2008.

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Deputy	Clerk

By	

Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Assistant County Attorney

37 EFFECTIVE DATE: FILED WITH THE DEPARTMENT OF STATE ON THE 38 DAY OF 2008.

	1 2 3 3 AN ODDIMANCE NO. 2007 - 006
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, GRANTING AN EXEMPTION FROM CERTAIN AD VALOREM TAXATION TO ENCOURAGE ECONOMIC DEVELOPMENT IN THE COUNTY FOR FLORIDA TURBINE TECHNOLOGIES, INC., AN EXPANSION OF AN EXISTING BUSINESS; PROVIDING FOR A FINDING THAT REQUIREMENTS HAVE BEEN MET; PROVIDING FOR THE AMOUNT OF REVENUE AVAILABLE FROM AD VALOREM TAX SOURCES FOR THE CURRENT FISCAL YEAR; PROVIDING FOR THE AMOUNT OF REVENUE LOST BY VIRTUE OF THE ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS CURRENTLY IN EFFECT; PROVIDING FOR THE ESTIMATED REVENUE LOST ATTRIBUTABLE TO THE EXEMPTION GRANTED TO FLORIDA TURBINE TECHNOLOGIES, INC.; PROVIDING FOR THE PERIOD OF TIME FOR WHICH THE EXEMPTION WILL DEMANN
27 28 29 30 31 32	WHEREAS, Article VII, Section 3, of the Constitution of the State of Florida, and Section 196.1995, Florida Statutes, authorizes the granting of economic development ad valorem tax exemptions to new businesses and expansions of existing businesses upon the successful passage of a referendum; and
33 34 35 36 37	WHEREAS, a successful referendum was held on August 31, 2004, resulting in the enactment of Ordinance No. 2005-004 known as the "Economic Development Ad Valorem Tax Exemption Ordinance of Palm Beach County, Florida"; and
38 39	WHEREAS, such ordinance establishes the requirements for exemption consideration, including the submission of an application; and
40 41 42	WHEREAS, FLORIDA TURBINE TECHNOLOGIES, INC. has submitted an application for an exemption; and
43 44 45 46	WHEREAS, all affected and interested agencies representative of the business and general community have reviewed said application, and provided comments on the granting of same; and
47 48	WHEREAS, all statutory and ordinance requirements have been satisfied.
49 50 51 52	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
52	SECTION 1. TITLE.
53	This Ordinance shall be known as the "Economic Development Ad Valorem Tax
54	Exemption Ordinance - FLORIDA TURBINE TECHNOLOGIES, INC."
55	SECTION 2. FINDING THAT REQUIREMENTS HAVE BEEN MET.
56	The Board of County Commissioners of Palm Beach County, Florida, based on the
57	application submitted by FLORIDA TURBINE TECHNOLOGIES, INC., and the report of the
58	Troperty Appraiser, finds that FLORIDA TURBINE TECHNOLOGIES, INC. has met all the
59	requirements of Ordinance No. 2005-004 and meets the requirements of Section 196.012

ORDINANCE NO. Page 1 of 4

(16), Florida Statutes and that granting the exemption granted hereby will result in an
 economic benefit to Palm Beach County.

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SECTION 3. AD VALOREM TAX REVENUES

The revenues available to Palm Beach County for the current fiscal year from ad valorem tax sources are \$689,012,361 (operating). The revenues lost to Palm Beach County for the current fiscal year by virtue of the ad valorem tax exemptions currently in effect are \$61,586. The estimated revenues to be lost for 2007 by granting this exemption are estimated to be \$26,153.

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SECTION 4. TERM OF EXEMPTION; EXPIRATION DATE.

The Economic Development Ad Valorem Tax Exemption granted to FLORIDA 10 TURBINE TECHNOLOGIES, INC. for an expansion of an existing business shall be for a 11 period of four (4) tax years commencing on January 1, 2007 and expiring on December 31, 12 2010. The ability to receive an exemption for the period granted is conditioned upon 13 FLORIDA TURBINE TECHNOLOGIES, INC.'s ability to maintain the expansion of an 14 existing business as defined in Ordinance No. 2005-004 throughout the four (4) year 15 exemption period. FLORIDA TURBINE TECHNOLOGIES, INC. shall submit an annual 16 17 report to the Board of County Commissioners evidencing satisfaction of this condition in such form as attached hereto and made a part hereof as Exhibit "B." FLORIDA TURBINE 18 TECHNOLOGIES, INC. shall furnish any and all information as the Board of County 19 Commissioners or its designee deems necessary for the purpose of determining continued 20 performance of the imposed conditions. Should FLORIDA TURBINE TECHNOLOGIES, 21 22 INC. fail to satisfy the conditions set forth herein, the Board of County Commissioners may revoke the exemption and recover any taxes waived pursuant to Section 9 of Ordinance No. 23 24 2005-004.

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SECTION 5. GRANT OF EXEMPTION.

26 After consideration of the application submitted by FLORIDA TURBINE 27 TECHNOLOGIES, INC., a copy of which is attached hereto and made a part hereof as Exhibit "B", which includes the report of the Property Appraiser, in accordance with the 28 29 procedure set forth in Ordinance No. 2005-004, the Board of County Commissioners hereby 30 grants and establishes an exemption from ad valorem taxation of one hundred per cent (100%) of the assessed value of the net increase in qualifying tangible personal property 31 acquired and added improvements to real property by FLORIDA TURBINE 32 TECHNOLOGIES, INC. after the adoption of this Ordinance, provided such net increase in 33

ORDINANCE NO. 2007 Page 2 of 4

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qualifying tangible personal property and real property facilitate FLORIDA TURBINE 1 TECHNOLOGIES, INC.'s expansion of an existing business located at 100 Marquette 2 Road, Jupiter, Florida, 33458. FLORIDA TURBINE TECHNOLOGIES, INC. agrees to abide 3 by the terms and conditions set forth in Ordinance No. 2005-004 and any and all 4 amendments thereto, as well as any policies and procedures related to the Economic 5 Development Ad Valorem Tax Exemption Program as may be adopted from time to time. 6 7 Failure to abide by same may result in a revocation of the exemption and the recovery of any taxes waived pursuant to Section 9 of Ordinance No. 2005-004. No exemption shall be 8 granted on the land on which improvements for the expansion of an existing business are 9 10 made by FLORIDA TURBINE TECHNOLOGIES, INC.

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SECTION 6. APPLICABILITY.

The exemption applies only to taxes levied by Palm Beach County. The exemption does not apply to taxes levied by a municipality, school district, or water management district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the State Constitution.

16

SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

21

SECTION 8. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
 any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not
 affect the remainder of this Ordinance.

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SECTION 9. REPEAL OF LAWS IN CONFLICT.

All local ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

28 <u>SECTION 10. EFFECTIVE DATE.</u>

The provisions of this Ordinance shall become effective upon filing with the Department of State.

ORDINANCE NO. 2007

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Sharon R. Bock, Clerk & Comptroller PALM BEACH COUNTY, FLORIDA, BY I BOARD OF COUNTY COMMISSIONERS By:	County, Fior	ida, on the	15th	day of <u>M</u>	fay	, <u>2007</u> .		
AND LEGAL SUFFICIENCY: By: Assistant County Attorney EFFECTIVE DATE: Filed with the Department of State on the 23rd	ву: <u>Діал</u>	ne Bhour		воагд оf ву: <u>С<i>А</i></u>	COUNTY		SIONER	
EFFECTIVE DATE: Filed with the Department of State on the 23rd	AND LEGAL			•				
No	Assis	tant County Atl	torney	·				
<u>May</u> , 2007.	EFFECTIVE	DATE: Fil	ed with the	Department	of State	e on the	23rd	da
	Мау	, <u>2007</u> .						
	а. - С							

ORDINANCE NO. Page 4 of 4

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EXHIBIT "B"

BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROGRAM ANNUAL REPORT

FOR EXEMPTION PERIOD: January 1, _____ to December 31, _____

As required by Section 5.I. of the Ad Valorem Tax Exemption Ordinance for this program, this form is to be filed with the Board of County Commissioners no later than March 1 for each year the exemption is in effect and still desired by the business.

1.	BUSINESS NAME and mailing address:
2.	Name and telephone number of business owner or person in charge of this business:
3.	Exact location (street address) of property for which this report is filed:
4. 5.	Date you began business activities at this facility: REAL PROPERTY a) Description of the improvements to real property for which this exemption is requested:
	b) Date of commencement of construction of improvements:
6.	 TANGIBLE PERSONAL PROPERTY a) Description of the tangible personal property for which this exemption is requested and date when property was purchased: Provide this information on the attached form PB-418(6a)/AR, "Tangible Personal Property" Annual Report. b) Average value of inventory on hand as of January 1st: [\$]
7.	Have you maintained the definition of a "New Business" or as an "Expansion of an Existing Business"? Yes No
8.	Describe the type or nature of your business:
9.	Trade level (check as many as apply):
10.	 Wholesale Annual Acturing Professional Service Office Other JOBS AND AVERAGE ANNUAL SALARY a) Fill out the attached form PB-418(6b)/AR, "Jobs And Average Annual Salary" for the appropriate year and provide the following: b) Total number of full-time, equivalent and seasonal employees in Palm Beach County: []]. (attach current payroll roster as of January 1st (covers employee payroll for Jan. 1st through to Dec. 31st of prior year; provide hire dates; omit names and social security numbers of employees) c) Net increase in full-time employment []] and percentage increase since exemption was granted [%] d) Average annual salary of employees as of January 1st payroll roster with executive positions. e) Average annual salary of employees as of January 1st payroll roster without executive positions.
11.	TOTAL SALES Sales factor for the facility requesting exemption: Total sales in Palm Beach County ending December 31 st of prior year from this facility [\$] Divided by total sales everywhere from this facility + [\$] equals [%] Percentage increase in productive output resulting from this expansion since year exemption was granted [%]
12.	 For office or facility space owned or leased and used by a corporation newly domiciled in Florida: a) Date of incorporation in Florida: b) Number of full-time employees at the time of application: [] and currently at this location: []

I agree to furnish such other reasonable information as the Board of County Commissioners may request in regard to the exemption. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he has any knowledge.)

Taxpayer Name & Title:	Preparer Name, Address & Telephone Number:
· · · · ·	
SIGNATURE	SIGNATURE
DATE	DATE

ORDINANCE NO.

NOTARIZATION OF ANNUAL REPORT

I. The information provided in the Annual Report is accurate and complete for the business facility identified hereinabove.

II. NOTARY

PROPERTY APPRAISER'S USE ONLY

I. Estimate of the revenue which will be lost to the County during the current fiscal year had the exempt property otherwise been subject to taxation:

]

II. Estimate of the taxable value lost to the County: [\$

Improvements to real property: [\$ DATE

Personal Property: [\$ SIGNATURE (Property Appraiser)

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EXHIBIT "B" - ANNUAL REPORT (continued)

TANGIBLE PERSONAL PROPERTY

Economic Development Ad Valorem Tax Exemption

6.a. Description of the tangible personal property for which this exemption is requested and date when property was purchased.

CLASS OR ITEM	AGE	DATE OF PURCHASE	ORIGINAL COST	G	Ŷ	P	TAXPAYER'S ESTIMATE OF FAIR MARKET VALUE
				6 0 0 D	≮ V G	P O O R	FAIR MARKET VALUE
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PB-418 (6.b.) / AR

EXHIBIT "B" - ANNUAL REPORT (continued)

JOBS AND AVERAGE ANNUAL SALARY

Economic Development Ad Valorem Tax Exemption

6.b. Identification of the annual status of Total Jobs and Average Annual Salary as of January 1* .

Exemp- Year tion Period		FULL-TIME JOBS		EQUIVALENT JOBS (2,080 Hours)		SEA	SONAL JOBS	TOTAL JOBS			
	•	Total	Avg. Annual Salary	Total	Avg. Annual Salary	Total	Avg. Annual Salary	Total	Avg. Annual Salary		
Existing Jo	obs: Applic.										
New Jobs	Obligation										
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INSTRUCTIONS: Identify the Full-Time Jobs above. If there are no Equivalent Jobs or no Seasonal Jobs enter non-applicable (N/A). These job figures are restricted to the company's facility or facilities that are located in Palm Beach County. Refer to Item # 10 on the Annual Report concerning additional job and salary data requirements.

PALM BEACH COUNTY

ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION APPLICATION **Chapter 196, Florida Statutes**

Business name:

FLORIDA TURBINE TECHNOLOGIES, INC. PCN 30-42-41-12-00-000-5100 Tangible Acct # 179003

#EE-023-A

PROPERTY APPRAISER'S USE ONLY

- I. Total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources: 2006: \$160,984,196,485 x 4.28 mills = \$689,012,361
- II. Revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 2006: \$ 14,389,167 x 4.28 mills = \$ 61,586
- III. Estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise had been subject to taxation: \$ 6,110,503 x 4.28 mills = \$ 26,153
- IV. Estimate of the taxable value lost to the county or municipality if the exemption applied for were granted: Improvements to Real Property \$5,159,958 Personal Property \$950,545
- V. I have determined that the property listed above meets the definition, as defined by Section 196.012 (15) or (16), Florida Statutes, as a New Business [], an Expansion of an Existing Business [X], or Neither [].
- VI. Last year for which exemption may be applied 2016 3/19/07 DATE: an SIGNED: Gary R. Nikolits Palm Beach County Property Appraiser

RETURN TO BE FILED NOT LATER THAN MARCH 1

h:\user\bflanaga\wpdata\TAX\TAXABATE.AP4 February 25, 1997

ORDINANCE NO. 2007EXHIBIT "R

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