

1 **WHEREAS**, Hernando County is in strong competition with cities, counties and even
2 other states for these types of targeted industries; and,

3
4 **WHEREAS**, it is the intent of the Board of County Commissioners that the county
5 be competitive in its efforts to attract targeted industries to locate, relocate, or expand within
6 Hernando County.

7
8 **NOW THEREFORE:**

9
10 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
11 **HERNANDO COUNTY, FLORIDA:**

12
13 **SECTION 1. Amending Chapter 11.5 (Economic Development), Article II (Industrial**
14 **and Business Promotion).** Chapter 11.5 (Economic Development), Article II (Industrial and
15 Business Promotion) is amended to read as follows, with underlined matter added and struck-
16 through matter deleted:

17
18 **ARTICLE II. ~~INDUSTRIAL AND BUSINESS PROMOTION~~ HERNANDO**
19 **COUNTY TARGETED INDUSTRY JOB CREATION AND INCENTIVE**
20 **PROGRAM**

21
22 **Sec. 11.5-26. Short title.**

23
24 This article shall be known as and may be cited as the "Hernando County
25 ~~Industrial and Business Promotion Article~~ Targeted Industry Job Creation and Incentive
26 Program."

27
28 **Sec. 11.5-27. Finding of facts and purpose.**

29
30 (a) It is the intent of the board of county commissioners to establish and further a
31 sound business and industrial tax base in Hernando County and which tax base will
32 benefit all residents in Hernando County by better redistributing the burden of taxes. This
33 is accomplished by attracting targeted industries and businesses to locate within the
34 county and through expansion of existing industries and businesses and through the
35 creation of new jobs. This is further accomplished by attracting those businesses and
36 industries that pay equal to or greater than the ~~annual~~ average annual wage to locate in the
37 county.

38
39 (b) It is the intent and purpose of this article to provide the authority and
40 mechanisms within the parameters of judicial, federal, state and local laws for such
41 promotions and to allow the expenditure of public funds for such purposes.
42

1 **Sec. 11.5-28. Definitions.**

2
3 As used in this ~~section~~ article:

4
5 *Above ~~annual~~ average annual wage* means one hundred fifteen (115) percent or
6 greater of the ~~Annual Average~~ Annual Wage for Hernando County.

7
8 *~~Annual-average~~ Average annual wage* means the ~~annual~~ average annual wage paid
9 to workers in Hernando County as published by the State of Florida, Agency for
10 Workforce Innovation, Labor Market Statistics, for the most current year published.

11
12 *Applicant* means the industrial or business entity seeking to be certified by the
13 county office of business development as a targeted industry pursuant to this article.

14
15 *Attributable Tax Increment* means the increased increment in the county's ad
16 valorem and tangible property tax base attributable or apportionable to new development,
17 redevelopment or expansion of a targeted industry.

18
19 *Building permit fees* are those fees charged by Hernando County the county for
20 construction, erection, modification, repair and demolition activities within the county
21 which are governed under the Florida Building Code and charged pursuant to § 553.80,
22 Florida Statutes, and chapter 8, article II, division 4 of this Code.

23
24 *Impact fees* are those fees charged by Hernando County relating to new
25 development and redevelopment activities within the county and charged pursuant to
26 chapter 23, article III of this Code.

27
28 *Full-time or full-time job* means any job where the individual performing that job
29 is employed a minimum of 40 hours per week.

30
31 *Industrial development* means the development, ~~and~~ redevelopment or expansion
32 of any commercial or industrial facilities.

33
34 *New job* means the addition of a new full-time job which is wholly based in
35 Hernando County and which previously did not exist as part of the county's total job base.

36
37 *Office of business development* (OBD) is a department within Hernando County
38 under the county administrator that is responsible for promoting and furthering business
39 and economic development within the county including, without limitation, engaging in
40 marketing, advertising, promotional and other efforts to attract new businesses and
41 industries to locate within the county, and further engaging in such efforts to encourage
42 existing business and industries located within the county to expand, and further engaging

1 in such efforts to improve the county's industrial and business property tax base, and
2 further engaging in such efforts which further the creation of new jobs within the county
3 which pay equal to or greater than the ~~Annual~~ Average Annual Wage for Hernando
4 County.

5
6 ~~*Promotion* means to encourage the existence or progress of industrial, and business
7 development within Hernando County, Florida.~~

8
9 ~~*Qualified targeted industry* (QTI) are those industries and businesses serving
10 multi-state and/or international markets and that are able to create new jobs at greater than
11 the ~~Annual~~ Average Annual Wage for Hernando County (and specifically excluding all
12 retail activities, utilities, mining and other extraction or processing business, and activities
13 regulated by the division of hotels and restaurants of the department of business and
14 professional regulation) and which have been further approved by the state as a QTI
15 pursuant to § 288.106, Florida Statutes. ~~Examples of QTIs include: manufacturing
16 facilities; finance and insurance services; wholesale trade; information industries;
17 professional, scientific and technical services; management services; and administrative
18 and support services.~~~~

19
20 ~~*Targeted industry* (TI) are those industries and businesses primarily serving ~~multi-~~
21 ~~state and/or international markets~~ markets outside of Hernando County and that are able
22 to create new jobs at equal to or greater than ~~Annual~~ Average Annual Wage for Hernando
23 County (and specifically excluding all retail activities, utilities, mining and other
24 extraction or processing business, and activities regulated by the division of hotels and
25 restaurants of the department of business and professional regulation) and which have
26 been certified as a TI by the Hernando County Office of Business Development.
27 ~~Examples of TIs include, but are not limited to: clean manufacturing facilities; finance
28 and insurance services; wholesale trade; information industries, professional, scientific
29 and technical services; management services; and administrative and support services. ●
30 aviation & aerospace industry (examples include aircraft manufacturing, maintenance, air
31 freight and passenger charter services); ● clean manufacturing; ● corporate headquarters;
32 ● emerging technologies; ● financial & professional Services (exclusive of retail
33 consumer services); ● green technologies & energy (examples include solar energy,
34 biomass energy and bio-fuels, water energy, fuel cells, hydrogen, energy conservation
35 waste reduction, and conversion technologies); ● information technologies (examples
36 include information technology products/services/training, software development,
37 modeling/simulation, photonics/lasers/optics, microelectronics, and telecommunications);
38 ● life sciences (examples include biotechnology, medical device manufacturing,
39 pharmaceuticals, and health care equipment); ● logistics & distribution warehousing. In
40 determining whether an industry or business initially qualifies as a TI, the director of the
41 county office of business development ~~shall be guided by~~ may take into consideration
42 whether said industry or business is listed in the list of target industries prepared by~~~~

1 Enterprise Florida, Inc. in connection with the QTI program; however, certification as a
2 TI by the county office of business development is not dependent on whether the same
3 industry or business is approved or listed as a QTI by Enterprise Florida, Inc. or the State
4 of Florida.

5
6 **Sec. 11.5-29. Expenditure of public funds.**

7
8 (a) The county administrator or his designee may expend funds, pursuant to
9 chapters 125 and 129, Florida Statutes, which are budgeted for business and industrial
10 promotion purposes pursuant to in furtherance of this article. ~~the provisions of Chapters~~
11 ~~125 and 129, Florida Statutes, as follows~~

12
13 (b) In addition, the county office of business development is authorized to
14 expend funds for the following:

- 15
16 (1) To publicize, advertise and promote Hernando County;
- 17
18 (2) To make known the advantages, facilities, resources, products,
19 attractions, attributes, employer opportunities, and business and
20 development incentives, of the county;
- 21
22 (3) To create a favorable climate of opinion concerning industrial and
23 business development in the county;
- 24
25 (4) To cooperate with other agencies, public and private, including the
26 State of Florida Agency for Workforce Innovation and Enterprise
27 Florida, Inc., to accomplish these purposes;
- 28
29 (5) To provide meals, hospitality and entertainment of persons in the
30 interest of promoting industrial or business development or
31 engendering goodwill toward new industrial or business
32 development;
- 33
34 (6) To further the operations and activities of the office of business
35 development;
- 36
37 (7) To encourage and facilitate the creation of new jobs within the
38 county which pay equal to or greater than the ~~annual~~ average annual
39 wage for the county;
- 40
41 (8) To attract qualified targeted industries and targeted industries to
42 locate to, relocate in, or expand within the county; and for the

1 county, through office of business development, to participate with
2 the State of Florida Office of Tourism, Trade and Economic
3 Development (OTTED) and Enterprise Florida, Inc. in the local
4 match requirements offered to qualified targeted industries regarding
5 the creation of new jobs;

6
7 (9) To further ~~an~~ the "economic element" ~~as part of the county's~~
8 comprehensive plan pursuant to ~~section 163.3177(7)(j)~~ chapter 163,
9 part II, Florida Statutes;

10
11 (10) To identify and define specific or targeted areas within the county
12 where new industrial and business development should be promoted
13 or where county-based incentives are provided.

14
15 **Sec. 11.5-30. Incentives for attracting targeted industries to locate, relocate or**
16 **expand within the county.**

17
18 (a) Application and administration.

19
20 (1) The office of business development shall be responsible for
21 administering all applications and agreements under this article.

22
23 (2) Any industry or business seeking to be certified as a TI under this
24 article shall complete and file an application with the office of
25 business development. The office of business development shall be
26 responsible for preparing application forms relative to the incentives
27 in this article.

28
29 (3) Following receipt, the office of business development will review
30 the application for completeness and sufficiency. If the application
31 is incomplete or additional information is required, the office of
32 business development will advise the applicant what is required for
33 completeness or sufficiency. It shall be the sole responsibility of the
34 applicant to timely correct all completeness and sufficiency
35 deficiencies.

36
37 (4) Upon the office of business development determining that an
38 application is complete and sufficient, it shall make a determination
39 whether the applicant qualifies as a TI and shall advise the applicant
40 in writing of its determination. If the applicant is rejected as a TI,
41 then the applicant may appeal such determination to the board of
42 county commissioners by filing a written request with the county

1 administrator within thirty (30) days of receiving its written
2 notification. The appeal shall set forth in particularity all grounds
3 upon which the applicant relies. Failure to timely appeal a decision
4 of the office of business development pursuant to this article shall
5 constitute a waiver of such review.
6

7 (5) If the office of business development determines that the applicant is
8 qualified as a TI, then it shall prepare a written recommendation and
9 report to the board of county commissioners regarding what
10 incentives under this article, if any, should be offered to the
11 applicant. The recommendation and report to the board of county
12 commissioners will include a project summary (based upon the
13 application and any other information provided to the office of
14 business development), the number of anticipated new jobs created
15 by the project, and the total gross square feet of new development or
16 expansion that will be constructed in connection with the project.
17 The recommendation and report will also include in its analysis:
18

19 (i) the anticipated total ad valorem and tangible property taxes to
20 be received by the county as a consequence of the location,
21 relocation or expansion of the TI;
22

23 (ii) the TIs anticipated overall fiscal impact to the county's
24 economy;
25

26 (iii) any grants, deferrals or incentives the TI has previously
27 received from the county;
28

29 (iv) other incentive applications which may be pending;
30

31 (v) the projected cost to the county associated with any grants,
32 deferrals and/or incentives which may be proposed to the
33 applicant under this article;
34

35 (vi) availability of general revenue funds; and,
36

37 (vii) any budgetary or fiscal constraints of the county.
38

39 In addition, the office of business development will prepare the appropriate
40 agreement or agreements between the county and the TI applicant regarding
41 all grants, deferrals or incentives proposed under this article.
42

1 (6) At a duly noticed public hearing, the board of county commissioners
2 shall consider the proposed incentive agreement or agreements under
3 this article. Following discussion, the board of county
4 commissioners, in its legislative discretion, may vote to approve,
5 amend or deny any agreement hereunder. The approval of any
6 incentives under this article shall be subject to funding availability as
7 determined by the county administrator in conjunction with the
8 office of management and budget.

9
10 (7) Any TI approved under this article must be in full compliance with
11 this article and all terms and conditions of its agreement or
12 agreements with the county as a pre-condition of receiving any
13 grants, deferrals and/or incentives from the county.

14
15 (8) Twelve months after any agreement under this article is concluded or
16 terminated, the office of business development will prepare a written
17 report for the board of county commissioners which outlines the
18 present and anticipated economic impacts that the approved TI has
19 had on the county.

20
21 (a b) *Incentives relating to building permit fees.*

22
23 (1) Targeted industries that have been certified as a TI by the office of
24 business development and which through new development,
25 redevelopment or expansion create at least ten (10) new full-time
26 jobs within the county which ~~pay~~ have an average salary equal to or
27 greater than the ~~annual~~ average annual wage for the county will be
28 eligible to apply to the office of business development to have up to
29 a maximum of 100% all of its building permit fees deferred for
30 seven (7) years, and at the end of the deferral period, the county will
31 forego and forgive have all of the building permit fees which were
32 deferred forgiven by the county providing the TI still meets all of the
33 original eligibility requirements for a TI (at the county's option, the
34 requirements will be specified in a developer's an agreement between
35 the TI and the county in such form and manner acceptable to the
36 county in its sole discretion). The office of business development
37 will be responsible for reviewing each application it receives for
38 building permit fee deferral/forgiveness and shall prepare a
39 recommendation and report to the board of county commissioners as
40 to whether any incentive under this provision should be awarded to
41 the TI applicant and, if so, at what amount or percentage. The office
42 of business development, in making its recommendation to the

1 board, may take into account all of the factors listed in subsection (a)
2 above. The board of county commissioners, acting in their sole
3 legislative discretion, shall make the final decision as to whether to
4 award any incentive to the TI under this provision and, if so, the
5 amount of any such award.
6

7 (2) The amount of building permit fees deferred for all eligible targeted
8 industries in any given fiscal year shall be capped as provided herein.
9 The total amount of building permit fees deferred by the county
10 building department shall not exceed one percent of the department's
11 total operating budget for each fiscal year without obtaining the
12 approval of the board of county commissioners.
13

14 (3) Funds necessary to replace the building permit fees deferred in any
15 given fiscal year shall be replaced by the county from any lawful
16 funds other than building permit fees.
17

18 (3 4) In the event the TI closes its business, moves out of the county, or
19 loses its status as a TI at any time during the seven-year deferral
20 period, the TI will be required to pay to the county all building
21 permit fees which have been deferred. As a condition for receiving
22 the deferral of building permit fees, the TI, and the landowner as
23 may be appropriate, will provide the county with a performance
24 bond, letter of credit, or promissory note and mortgage execute the
25 appropriate covenants in favor of the county (in such manner and
26 form acceptable to the county in its sole discretion) to enable the
27 county to enforce the restrictions and conditions in this ~~section~~
28 article. The covenants described in this section may, at the county's
29 option, be part of the developer's agreement described above, and
30 may be recorded against the subject property in the public records of
31 the county.
32

33 (b c) *Incentives relating to impact fees.*
34

35 (1) Targeted industries that have been certified as a TI by the office of
36 business development and which through new development,
37 redevelopment or expansion create at least ten (10) new full-time
38 jobs within the county which ~~pay~~ have an average salary above equal
39 to or greater than the annual average annual wage for the county will
40 be eligible to apply to the office of business development to have up
41 to a maximum of 100% of its impact fees deferred for seven (7)
42 years, subject to the cap in subsection (2) below, and at the end of

1 the deferral period, ~~the county will forego and forgive~~ have all of the
2 deferred impact fees forgiven by the county providing the TI still
3 meets all of the original eligibility requirements for a TI (~~at the~~
4 ~~county's option~~; the requirements will be specified in ~~a developer's~~
5 an agreement between the TI and the county in such form and
6 manner acceptable to the county in its sole discretion). The office of
7 business development will be responsible for reviewing each
8 application it receives for impact fee deferral/forgiveness and shall
9 prepare a recommendation and report to the board of county
10 commissioners as to whether any incentive under this provision
11 should be awarded to the TI applicant and, if so, at what amount or
12 percentage. The office of business development, in making its
13 recommendation to the board, may take into account all of the
14 factors listed in subsection (a) above. The board of county
15 commissioners, acting in their sole legislative discretion, shall make
16 the final decision as to whether to award any incentive to the TI
17 under this provision and, if so, the amount of such award.

- 18
19 (2) Notwithstanding anything to the contrary, the total amount of impact
20 fees deferred under subsection (1) above shall be capped at, and not
21 exceed, fifty thousand dollars (\$50,000.00) for each and every
22 eligible targeted industry. This cap shall apply to each TI and is not
23 intended as a cumulative cap where there are two (2) or more eligible
24 TIs in any given year. In the event that an eligible TI has impact fees
25 in excess of fifty thousand dollars (\$50,000.00), said TI shall be
26 required to pay to the county all impact fees calculated in excess of
27 fifty thousand dollars (\$50,000.00) (~~"excess fees paid"~~ "non-deferred
28 impact fees") ~~at time of building permitting. ; however, providing~~
29 ~~said TI remains in full compliance with the terms of this section and~~
30 ~~with such developer's agreement as required by the county, then~~
31 ~~beginning in year two (2), and each year thereafter, the county will~~
32 ~~refund said TI an amount equal to twenty (20) percent of the excess~~
33 ~~fees paid (refunding being prorated over a five-year period from~~
34 ~~years two (2) through six (6)).~~ As part of the TI's application, the TI
35 can request to have its non-deferred impact fees (as anticipated)
36 refunded by the county over a five year period (refunding being
37 evenly prorated over years two through six). If the board of county
38 commissioners, in their legislative discretion, approves to refund all
39 or any portion of the non-deferred impact fees, then the amount and
40 terms of such refund shall be part of the approval process and be
41 included in the agreement between the TI and the County. Each year
42 hereunder, the TI shall be responsible for insuring that it is in full

1 compliance with this article and its agreement with the county as a
2 precondition of receiving any award or funds from the county.

3
4 (3) Funds necessary to replace the impact fees deferred and/or refunded
5 in any given fiscal year shall be replaced by the county from any
6 lawful funds other than impact fees.

7
8 (3 4) In the event the TI closes its business, moves out of Hernando
9 County, or loses its status as a TI at any time during the seven-year
10 deferral period, the TI will be required to pay to the county all impact
11 fee which have been deferred and/or refunded. As a condition for
12 receiving the deferral and/or refund of impact fees, the TI, and the
13 landowner as may be appropriate, will provide the county with a
14 performance bond, letter of credit, or promissory note and mortgage
15 execute the appropriate covenants in favor of the county (in such
16 manner and form acceptable to the county in its sole discretion) to
17 enable the county to enforce the restrictions and conditions in this
18 section article. The covenants described in this section article may, at
19 the county's option, be part of the developer's agreement described
20 above, and may be recorded in the public records in the county.

21
22 (d) Incentives relating to creation of new jobs

23
24 (1) Jobs creation grant. Targeted industries that have been certified as a
25 TI by the office of business development and which through new
26 development, redevelopment or expansion create at least five (5)
27 new full-time jobs within the county which pay equal to or greater
28 than the average annual wage for the county will be eligible to apply
29 for a jobs creation grant from the county. The amount of the jobs
30 creation grant shall be based on the number of verifiable new jobs
31 created by the TI taking into account the factors listed in this article.
32 Once the amount of the proposed jobs creation grant is determined,
33 payment of the grant shall be prorated and paid over a five year
34 period. The TI shall be responsible for meeting all of the original
35 eligibility requirements during each of the years (one through five)
36 that the grant is disbursed to the TI.

37
38 (2) Calculation of jobs creation grant award

39
40 a. Up to \$2,000.00 per eligible new job created by a TI that pays
41 equal to or greater than the average annual wage for the

1 county (i.e. the average of the new jobs created pay at or
2 above 100% of the average annual wage for the county); or,

3
4 b. Up to \$3,000 per eligible new job created by a TI whose
5 business is located in or will be located within the
6 Brooksville/Hernando Enterprise Zone and that pays equal to
7 or greater than the average annual wage for the county (i.e.
8 the average of the new jobs created within the Enterprise
9 Zone pay at or above 100% of the average annual wage for
10 the county); or,

11
12 c. Up to \$3,000.00 per eligible new job created by a TI that pays
13 equal to or greater than the above average annual wage for the
14 county (i.e. the average of the new jobs created pay at or
15 above 115% of the average annual wage for the county),

16
17 d. The maximum grant award shall be calculated by multiplying
18 the number of eligible new jobs created by the TI by the
19 appropriate multiplier above (the average pay of all new jobs
20 created by the TI will determine if the applicant met threshold
21 average annual wage for the county and which multiplier
22 applies).

23
24 (3) Limitations and conditions on jobs creation grant award

25
26 a. The maximum term of any grant award shall be five (5) years.
27 The total grant award shall be evenly prorated over the term
28 of the grant [for example, a 5 year grant shall be paid out in
29 five equal installments of 20%].

30
31 b. The maximum grant award under subsection (d)(2) above
32 shall not exceed the Attributable Tax Increment directly
33 resulting from the location, relocation or expansion of the TI
34 within the county. The TI applicant shall be responsible for
35 providing all documentation necessary for the office of
36 business development to reasonably estimate the Attributable
37 Tax Increment amount.

38
39 c. The maximum grant award available to a TI applicant may be
40 subject to reduction or offset based upon:
41

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
- (i) the final recommendation and report of the office of business development;
 - (ii) the anticipated total ad valorem and tangible property taxes to be received by the county as a consequence of the location, relocation or expansion of the TI;
 - (iii) the TIs anticipated overall fiscal impact to the county's economy;
 - (iv) the TI previously receiving incentives relating to building permit fees and/or incentives relating to impact fees under this article;
 - (v) availability of general revenue funds; and,
 - (vi) any budgetary or fiscal constraints of the county, without limitation.
- d. A jobs creation grant award approved under this article requires the TI to enter into a grant award agreement with the county ("grant agreement"), in such manner and form as is acceptable to the county attorney's office, setting forth all terms and conditions of the grant award and its acceptance.
- e. Grant funding under this article is subject to approval and award by the board of county commissioners, in its sole discretion, and execution of a grant agreement by the TI and the county.
- (4) Performance demonstration. Following execution of a grant agreement, as a prerequisite of receiving grant funds from the county in year one and each year thereafter, the TI shall demonstrate:
- a. that it has fully satisfied all terms and conditions contained in the grant agreement up through the subject funding period;
 - b. that it has not been, nor is, in breach or default of the grant agreement or any other incentive agreement with the county pursuant to this article; and,

1 c. that it has created the number of eligible new jobs promised
2 within the time frames set forth below:

3
4 (i) For any new construction or expansion of a building or
5 facility to be used and occupied by the TI, the TI shall
6 demonstrate that it has created the number of eligible
7 new jobs promised no later than twelve months from
8 receiving the certificate of occupancy for its primary
9 building or facility, or from the date of completing its
10 expansion.

11
12 (ii). For any existing building or facility, the TI shall
13 demonstrate that it has created the number of eligible
14 new jobs promised no later than twelve months from
15 moving into its building or facility and commencing
16 operations.

17
18 (5) Performance review. The office of business development may
19 periodically conduct site visits and audits of the TI to ensure that the
20 TI is satisfactorily performing under the grant agreement and this
21 article.

22
23 (6) Cessation of operations during grant term. In the event the TI
24 ceases its operations, closes its business, moves out of the county,
25 loses its status as a TI at any time during the five-year grant
26 agreement period, or is in breach or default of any incentive
27 agreement with the county under this article, then the TI shall forfeit
28 any and all funding/incentives which may be remaining under its
29 grant agreement and any other incentive agreement(s) pursuant to
30 this article.

31
32 (c d) Eligibility for expedited plan review and permitting. Targeted industries
33 that qualify under this ~~section~~ article shall also be eligible for expedited plan review and
34 permitting by the applicable county departments.

35
36 (d e) Incentives non-exclusive. The incentives in this ~~section~~ article are not
37 exclusive and eligible targeted industries may apply for as many incentives as they qualify
38 for in this ~~section~~ article or other provisions of the Code. Further, the incentives in this
39 ~~section~~ article do not preclude an industry or business from applying or qualifying for or
40 participating in other federal, state or local programs. The board of county
41 commissioners, in its sole discretion, reserves the right to limit or restrict the number of

1 applicants and the total number and dollar amount of all grants, deferrals and incentives
2 under this article which may be awarded in any given county fiscal year.

3
4 **SECTION 2. Amending Chapter 3 (Airports and Aviation), Article II (Aviation**
5 **Authority), Section 3-33 (Airport Leases).** Chapter 3 (Airports and Aviation), Article II
6 (Aviation Authority) is amended to read as follows, with underlined matter added and
7 struck-through matter deleted:

8
9 **Sec. 3-33. Airport leases.**

10
11 (a) All leases at the airport shall be at fair market value rent (FMVR) in
12 accordance with the regulations, rules and orders of the Federal Aviation Authority
13 (FAA) applicable to surplus military airports. All leases shall include a provision
14 whereby the rent is adjusted at least every five (5) years during the life of the lease, and
15 including any renewals or extensions thereto, to reflect fair market value rent at time of
16 adjustment. Fair market value rent shall be based upon current appraisal methodology
17 performed in accordance with the Uniform Standards of Professional Appraisal Practice
18 (USPAP).

19
20 (b) In order to ~~attract~~ encourage new ~~non-aeronautical~~ tenants to locate ~~within~~
21 ~~the Airport's Corporate AirPark, Industrial Park and RailPark~~ at the Airport, the airport
22 director, in his or her discretion, may offer leasing incentives as provided herein on all
23 ground leases at least thirty (30) years in duration and where the tenant pays for the costs
24 of all improvement (i.e. constructing the building and other improvements). The leasing
25 incentives for all new non-aeronautical tenants shall be limited to the first five (5) years
26 of the lease term and shall be based on a sliding scale in which one hundred (100) percent
27 of fair market value rent is obtained by the fifth year. All leases shall be subject to review
28 ~~and approval~~ by the aviation authority and review and approval by the board of county
29 commissioners. All leases ~~are~~ on non-approved forms may be subject to further review
30 and approval by the FAA.

31
32 **SECTION 3. Severability.**

33
34 It is declared to be the intent of the Board of County Commissioners that if any
35 section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
36 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity
37 of the remaining portions of this ordinance.

38
39 **SECTION 4. Inclusion in the Code.**

40
41 It is the intention of the Board of County Commissioners of Hernando County,
42 Florida, and it is hereby provided, that the provisions of this Ordinance shall become and

1 be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any
2 section or subsection of this Ordinance may be renumbered or relettered to accomplish
3 such intention, and the word "ordinance" may be changed to "section, "article," or other
4 appropriate designation.

5
6 **SECTION 5. Effective date.**

7
8 This ordinance shall take effect immediately upon filing with the office of the
9 Secretary of State of Florida.

10
11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
12 **HERNANDO COUNTY** in Regular Session this 21st day of October, 2008.

13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **HERNANDO COUNTY, FLORIDA**

16
17
18 Attest:


Karen Nicolai
KAREN NICOLAI
Clerk

By:

Christopher A. Kingsley
CHRISTOPHER A. KINGSLEY
Chairman

19
20
21
22
23
24
25
26
27
28
29 **Approved as to Form and**
30 **Legal Sufficiency**

31
32 By:

Geoffrey T. Kirk 10/14/08
Geoffrey T. Kirk
Assistant County Attorney