ORDINANCE NO. 820

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR ECONOMIC DEVELOPMENT INCENTIVES; ESTABLISHING REQUIREMENTS FOR IMPLEMENTING THE AD VALOREM PROPERTY TAX ABATEMENT REFERENDUM; CREATING INCENTIVES FOR TARGETED INDUSTRY JOB CREATION AND ECONOMIC DEVELOPMENT GROWTH; PROVIDING FOR SEVERABILITY, CONFLICTS, REPEAL, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida, ("City") is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of Florida; and,

WHEREAS, the City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida; and,

WHEREAS, pursuant to Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City may exercise any power for municipal purposes except when expressly prohibited by law; and,

WHEREAS, it is the intent of the City to establish and further a sound business and industrial tax base in the City of Brooksville, of which said tax base will benefit all residents in the City by better broadening the distribution of the burden of taxes; and,

WHEREAS, this intent and purpose is accomplished by attracting those businesses and industries that pay equal to or greater than the average annual wage to locate in the City; and,

WHEREAS, the City Council adopted Resolution No. 2000-01 authorizing placement of a referendum question on the March 14, 2000 Presidential Preference Primary Ballot relating to tax exemption for economic development; and,

WHEREAS, the tax exemption proposed by Resolution No. 2001-01 was ratified and approved by the electorate of the City in the March 14, 2000 election; and,

WHEREAS, the tax exemptions authorized by Resolution 2001-01 expired as of March 14, 2010; and,

WHEREAS, Fla. Stat. §196.1995(7) provides that the authority to grant such tax exemptions expires ten years after the date it was approved in an election and allows for a renewal of the tax exemption, by referendum, for another ten year period; and,

WHEREAS, the City Council adopted Resolution No. 2010-09 on June 7, 2010 authorizing placement of a referendum question on the August 2010 Primary Election Ballot relating to tax exemption for economic development; and,

WHEREAS, the tax exemption proposed by Resolution No. 2010-09 was ratified and approved by the electorate of the City in the August 24, 2010 election; and,

WHEREAS, the referendum results were ratified by the City Council as reflected in Resolution 2010-17 approved on September 20, 2010; and

WHEREAS, the Legislature of the State of Florida enacted §288.106, Florida Statutes, to encourage the growth of high-wage, valued added employment in the State of Florida; and,

WHEREAS, Section 288.106, Florida Statutes, authorizes the Florida Office of Tourism, Trade and Economic Development (OTTED) to accept, review and approve applications for tax refunds to qualified target industry businesses; and,

WHEREAS, Section 288.106 Florida Statutes, requires local financial participation of the total tax refund incentive as tax refunds become due; and,

WHEREAS, the City desires to participate in and promote the available state and county economic development incentive programs that will assist in accomplishing the purposes of attracting targeted industries with value-added employment opportunities.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Brooksville, as follows:

SECTION 1. TITLE. This ordinance shall be known and may be cited as the "Brooksville Economic Development Incentive Ordinance."

SECTION 2. PURPOSES AND FINDINGS OF FACT. The preceding recitals are true and correct, and are incorporated herein, in haec verba. It is the intent and purpose of this Ordinance to provide the authority and mechanisms within the parameters of federal, state and local laws, to allow the expenditure of public funds for promotions and incentives to attract targeted industries or businesses to locate within the City and through expansion of certain existing targeted industries or businesses, particularly when such targeted industries and businesses pay greater than the annual average wage to locate or expand in the City.

SECTION 3. DEFINITIONS. For the purpose of this Ordinance, the following definitions shall apply.

A. *Above average annual wage* means one hundred fifteen (115) percent or greater of the average annual wage for Hernando County.

B. *Average annual wage* means the average annual wage paid to workers in Hernando County as published by the State of Florida, Agency for Workforce Innovation, Labor Market Statistics, for the most current year published.

C. *Applicant* means the industrial or business entity seeking to be certified by the City as a targeted industry pursuant to this ordinance.

D. *Attributable tax increment* means the increased increment in the City's ad valorem and tangible property tax base attributable or apportionable to new development, redevelopment or expansion of a targeted industry.

E. *Base Wage* means compensation received by an employee for fulfilling job functions. Compensation may include benefits such as, but not limited to medical insurance. Compensation shall not include benefits such as any mandatory federal employer contribution, state employer contribution, vacations, holidays, or sick leave.

F. *Building permit fees* are those fees charged by the City for construction, erection, modification, repair and demolition activities within the City which are governed under the Florida Building Code and charged pursuant to section 553.80, Florida Statutes, and Section 105.44 of the City's Code of Ordinances.

G. *Business or industry* means any business entity authorized to do business in the state and the city or the county, including all members of an affiliate group of corporations as defined in Section 220.03 (1)(b), Florida Statutes.

H. *Business Development Activity (BDA)* means any program, activity, or venture in which the City participates as a partner, investor or grantee related to any federal, state, or local government program involving the development or creation of business or industry related enterprise, program area or development.

I. *Business Recruitment Activity* means an activity or expense, to include but not limited to meals, hospitality, travel, meeting expense, etc., undertaken or incurred in hosting representatives of a new business or a business seeking to expand within the City

J. *Expansion of an Existing Business or Industry* means the expansion of a business or industry by or through additions to real and personal property on a site co-located with a target industry or business operation owned by the same owner. Expansion of an existing business or industry also means a relocation within the City of a target industry or business operation presently existing within the City.

K. *Impact fees* are those fees, excluding utility connection fees, charged by the City relating to new development and redevelopment activities within the City and charged pursuant to the City's Code of Ordinances, Resolutions and Interlocal Agreements.

L. *Full-time* means any full-time equivalent position(s) including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through co-employment under a professional employer organization agreement.

M. *Jobs* means full-time equivalent positions, as such terms are consistent with terms used by the state department of labor and employment security and U.S. Department of Labor for purposes of unemployment compensation tax administration and employment estimation. Jobs shall not include temporary construction jobs involved

with the construction of facilities for the project or any jobs which have been previously included in any incentive benefit provided pursuant to this Ordinance.

N. *Industrial development* means the development, and/or redevelopment or expansion of any commercial or industrial facilities.

O. *New Business* means a business or industry which does not exist within the City, first begins its operations on a site located within the City and is clearly separate from any other operation owned by the same business or industry.

P. *New job* means the addition of a new full-time job which is wholly based in the City and which previously did not exist as part of the City's total job base.

Q. *Project* means the creation of a new business or industry or the expansion of an existing business or industry.

R. *Qualified targeted industry (QTI)* are those industries and businesses serving multi-state and/or international markets that are able to create new jobs at greater than the average annual wage for Hernando County (specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the division of hotels and restaurants of the department of business and professional regulation) and which have been further approved by the state as a QTI pursuant to section 288.106, Florida Statutes.

S. *Targeted industry (TI)* are those industries and businesses primarily serving markets outside of Hernando County and that are able to create new jobs at equal to or greater than average annual wage for Hernando County (and specifically excluding all retail activities, utilities, mining and other extraction or processing business, and activities regulated by the division of hotels and restaurants of the department of business and professional regulation) and which have been certified as a TI by the City. Examples of TIs include, but are not limited to:

1. Aviation and aerospace industry (examples include businesses that support the aviation and aerospace industry such as aircraft manufacturing, maintenance support services, etc.);
2. Clean manufacturing;
3. Corporate headquarters;
4. Emerging technologies;
5. Financial and professional services (exclusive of retail consumer services);
6. Green technologies and energy (examples include solar energy, biomass energy and bio-fuels, water energy, fuel cells, hydrogen, energy conservation waste reduction and conversion technologies);
7. Information technologies (examples include information technology products/services/training, software development, modeling/simulation, photonics/lasers/optics, microelectronics and telecommunications);
8. Life sciences (examples include biotechnology, medical device manufacturing, pharmaceuticals and health care equipment);
9. Logistics and distribution warehousing.

In determining whether an industry or business initially qualifies as a TI, the City may take into consideration whether said industry or business is listed in the list of target industries prepared by Enterprise Florida, Inc. in connection with the QTI program; however, certification as a TI by the City is not dependent on whether the same industry or business is approved or listed as a QTI by Enterprise Florida, Inc. or the State of Florida.

T. *Higher Education and Training Institutions* are those accredited two and four year institutions that provide for secondary education degrees in professions that would typically earn at an above-average wage level. For purposes of this Ordinance, institutions that are qualified by the City as a Higher Education and Training Institution would be eligible for consideration of receiving the same incentives, as applicable, that a TI would qualify for.

SECTION 4. EXPENDITURE OF PUBLIC FUNDS. The City Manager, or his or her designee, may expend funds which are budgeted for business and industrial promotion purposes in furtherance of this ordinance, and may include but not be limited to the expenditure of funds for the following:

A. To publicize, advertise and promote the City of Brooksville;

B. To make known the advantages, facilities, resources, products, attractions, attributes, employer opportunities, and business and development incentives of the City;

C. To create a favorable climate of opinion concerning industrial and business development in the City;

D. To cooperate with other agencies, public and private, including the Hernando County Office of Business Development, the State of Florida Agency for Workforce Innovation and Enterprise Florida, Inc., to accomplish these purposes;

E. To provide for Business Recruitment Activities in the interest of promoting industrial or business development or engendering goodwill toward new industrial or business development, within the limits of funds to be budgeted for this purpose on an annual basis;

F. To further the operations and activities of the Ambassador for Commerce and Employment;

G. To encourage and facilitate the creation of new jobs within the City which pay equal to or greater than the average annual wage for Hernando County;

H. To attract qualified targeted industries and targeted industries to locate to, relocate in, or expand within the City; and for the City to endorse and elicit the cooperation of the Hernando County Office of Business Development, to participate with the State of Florida Office of Tourism, Trade and Economic Development (OTTED), Enterprise Florida, Inc. and related participating entities, for Hernando County to

provide the local match requirements offered to qualified targeted industries within the City pursuant to the County's *Job Creation Grant Program*;

I. To further the "Economic Element" of the City's Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes;

J. To identify and define specific or targeted areas within the City or City service areas where new industrial and business development should be promoted or where City-based incentives are provided.

SECTION 5. ECONOMIC DEVELOPMENT AD VALOREM TAX ABATEMENT AND EXEMPTION. Subject to the provisions of Section 12 in this Ordinance, certain New Businesses or Expansions of an Existing Business or Industry meeting established eligibility criteria and creating 10 or more jobs due to relocation to the City or through expansion of existing facilities within the City may be granted an ad valorem property tax exemption of up to 100% of the increased valued added to the tax roll for up to ten (10) years as an incentive for meeting State requirements. Additionally, any new business that locates or expands within the incorporated area of the City of Brooksville/Hernando County Enterprise Zone #2701 may be eligible to receive an ad valorem property tax exemption of up to 100% of the increased value added to the tax roll for up to ten years. City of Brooksville Resolution No. 2003-02 establishes guidelines, consistent with Florida Statutes, to implement the Ad Valorem Tax Abatement Exemption. The City Council may amend and revise the guidelines established by Resolution No. 2003-02 from time-to-time to ensure continued consistency with statutory requirements and to integrate local input within the guidelines to achieve the desired results of offering this incentive.

SECTION 6. INCENTIVES RELATING TO BUILDING PERMIT FEES.

A. Targeted industries that have been certified as a TI by the City and which through new development, redevelopment or expansion create at least ten (10) new full-time jobs within the City which have an average salary equal to or greater than the average annual wage for the county will be eligible to apply to the City to have up to a maximum of fifty (50) percent of its building permit fees deferred for seven (7) years, and at the end of the deferral period, have all of the building permit fees which were deferred forgiven by the City, providing the TI still meets all of the original eligibility requirements for a TI (the requirements will be specified in an agreement between the TI and the City in such form and manner acceptable to the City in its sole discretion).

B. The City will be responsible for reviewing each application it receives for building permit fee deferral/forgiveness and shall prepare a recommendation and report to the City Council as to whether any incentive under this provision should be awarded to the TI applicant and, if so, at what amount or percentage. The City Council, acting in their sole legislative discretion, shall make the final decision as to whether to award any incentive to the TI under this provision and, if so, the amount of any such award.

C. The amount of building permit fees deferred for all eligible targeted industries in any given fiscal year shall be capped at an amount established via the annual budget

process by the City Council. The total amount of building permit fees deferred by the City each fiscal year shall not exceed the cap without first obtaining the approval of the City Council. The City Council may elect to exceed any limits established by Section 6.A. and 6.C., giving consideration to unique circumstances that may be presented in consideration of an agreement with the TI.

D. Funds necessary to replace the building permit fees deferred in any given fiscal year shall be appropriated from any lawful funds other than building permit fees, within the operating budget of the City, and paid to the appropriate fund at the time of permitting.

E. In the event the TI closes its business, moves out of the City, or loses its status as a TI at any time during the seven-year deferral period, the TI will be required to pay to the City all building permit fees which have been deferred. As a condition for receiving the deferral of building permit fees, the TI, and the landowner as may be appropriate, will provide the City with a performance bond, letter of credit, or promissory note and mortgage in favor of the City (in such manner and form acceptable to the City in its sole discretion) to enable the City to enforce the restrictions and conditions in this ordinance. The covenants described in this section will be part of the developer's agreement described in Sec. 6.A above, and may be recorded against the subject property in the official public records.

SECTION 7. INCENTIVES RELATING TO IMPACT FEES.

A. Targeted industries that have been certified as a TI by the City and which through new development, redevelopment or expansion create at least ten (10) new full-time jobs within the City which have an average salary equal to or greater than the average annual wage for the county will be eligible to apply to the City to have up to a maximum of fifty (50) percent of its impact fees deferred for seven (7) years, subject to the cap set forth herein, and at the end of the deferral period, have all of the deferred impact fees forgiven by the City providing the TI still meets all of the original eligibility requirements for a TI (the requirements will be specified in an agreement between the TI and the City in such form and manner acceptable to the City in its sole discretion).

B. The City will be responsible for reviewing each application it receives for impact fee deferral/forgiveness and shall prepare a recommendation and report to the City Council as to whether any incentive under this provision should be awarded to the TI applicant and, if so, at what amount or percentage. The City Council, acting in their sole legislative discretion, shall make the final decision as to whether to award any incentive to the TI under this provision and, if so, the amount of such award.

C. Notwithstanding anything to the contrary, the total amount of impact fees deferred under subsection 7.A above shall be capped at, and not exceed, ten thousand dollars ($10,000) for each and every eligible targeted industry. This cap shall apply to each TI and is not intended as a cumulative cap where there are two (2) or more eligible TIs in any given year. In the event that an eligible TI has impact fees in excess of the established cap, said TI shall be required to pay to the City all impact fees calculated

in excess of the cap ("non-deferred impact fees") at the time of building permitting. As part of the TI's application, the TI may request to have its non-deferred impact fees (as anticipated) refunded by the City. If the City Council, in their legislative discretion, approves to refund all or any portion of the non-deferred impact fees, then the amount and terms of such refund shall be part of the approval process and be included in the agreement between the TI and the City. Each year hereunder, the TI shall be responsible for ensuring that it is in full compliance with this ordinance and its agreement with the City as a precondition of receiving any award or funds from the City. The City Council may elect to exceed any limits established by Section 7.A. and 7.C., giving consideration to unique circumstances that may be presented in consideration of an agreement with the TI.

D. Funds necessary to replace the impact fees deferred in any given fiscal year shall be appropriated from any lawful funds other than impact fees, within the operating budget of the City, and paid to the appropriate fund at the time of permitting.

E. In the event the TI closes its business, moves out of the City, or loses its status as a TI at any time during the seven-year deferral period, the TI will be required to pay to the City all impact fees which have been deferred and/or refunded. As a condition for receiving the deferral and/or refund of impact fees, the TI, and the landowner as may be appropriate, will provide the City with a performance bond, letter of credit, or promissory note and mortgage in favor of the City (in such manner and form acceptable to the City in its sole discretion) to enable the City to enforce the restrictions and conditions in this ordinance. The covenants described in this ordinance will be part of the developer's agreement described in Sec. 7.A above, and may be recorded in the official public records.

SECTION 8. ADMINISTRATION AND PROCEDURES. The following procedures and requirements shall be used in implementing the exemptions and incentives provided for in this ordinance.

A. Economic Development Ad Valorem Tax Abatement and Exemption.

1. The City shall follow the guidelines established by Resolution No. 2003-02. The rules and procedures established within the guidelines may be amended or varied by the City Council from time-to-time by resolution to include, but not be limited to establishing different criteria for eligibility factors in order to fully implement the intent of the tax abatement/exemption.

2. Applications for the Economic Development Ad Valorem Tax Abatement or Exemption incentive, must be submitted for approval by the City Council within twenty-four months of the issuance of a Certificate of Occupancy by the City for improvements to real property or within twenty-four months of the purchase/installation of personal property. Applications for Ad Valorem tax abatement and exemption must be submitted by March 1 of the year following the year in which value was added to the property in order to be eligible for consideration of the exemption for that year. Failure to make

application by March 1 of any year constitutes a waiver of the exemption privilege for that year.

3. Application for an ad valorem property tax exemption shall be made on Department of Revenue form #DR-418 (as amended), and upon approval of an agreement between the City and an applicant of an eligible New Business or eligible Expansion of an Existing Business, the City may grant, in its sole and absolute discretion, an Economic Development Ad Valorem Tax Abatement/Exemption to the New Business or Expansion of an Existing Business.

4. The tax abatement/exemption described herein shall not apply to improvements to real property made by or for the use of New Businesses or Expansions of an Existing Business when such improvements have been added or increased prior to the adoption of this ordinance, unless an exemption has been previously granted by the City Council by ordinance.

5. To grant a tax abatement/exemption under this ordinance, the City Council shall adopt an ordinance granting the tax abatement/exemption and the ordinance must include the following:

    a. the name and address of the New Business or Expansion of the Existing Business to which the exemption is granted;

    b. the total amount of revenue available to the City from ad valorem tax source for the current fiscal year;

    c. the total amount of revenue lost to the City for the current fiscal year by virtue of economic development ad valorem tax exemptions currently in effect;

    d. the estimated revenue loss to the City for the current fiscal year attributable to the exemption of the business named in the ordinance;

    e. the period of time for which the exemption will remain in effect and the expiration date of the exemption;

    f. a finding that the business name in the ordinance meets the definitional requirements of the law and the City's ordinance; and

    g. a time frame in which the jobs commitment must be created in order to maintain eligibility for the abatement or exemption to be maintained at the level approved.

6. An annual review of the Economic Development Ad Valorem Tax Abatement and Exemption shall be prepared and submitted to the City Council each fiscal year after the adoption of this ordinance.

7. Any procedures, rules or criteria established to implement the Economic Development Ad Valorem Tax Abatement and Exemption shall be made available in the City Clerk's Office.

B. Targeted Industry Incentives and Grants.

1. Any industry or business seeking to be certified as a TI under this ordinance shall complete and file an application with the City prior to the issuance of any building or other development permit.

2. Following receipt of the application, the City will review the application for completeness and sufficiency. If the application is incomplete or additional information is required, the City will advise the applicant what is required for completeness or sufficiency. It shall be the sole responsibility of the applicant to timely correct all completeness and sufficiency deficiencies.

3. Upon the City determining that an application is complete and sufficient, the City shall make a determination whether the applicant qualifies as a TI and shall advise the applicant in writing of its determination. If the applicant is rejected as a TI, then the applicant may appeal such determination to City Council by filing a written request with the City Manager within thirty (30) calendar days of receiving its written notification of rejection. The appeal shall set forth in particularity all grounds upon which the applicant relies. The City Council will use the criteria established by this Ordinance to determine the appellant's eligibility to be considered a TI. Failure to timely appeal a decision of the City to the City Council pursuant to this ordinance shall constitute a waiver of such review.

4. If the City determines that the applicant is qualified as a TI, then it shall prepare a written recommendation and report to the City Council regarding what incentives under this ordinance, if any, should be offered to the applicant. The recommendation and report to the City Council will include a project summary (based upon the application and any other information provided to the City), the number of anticipated new jobs created by the Project, and the total gross square feet of new development or expansion that will be constructed in connection with the project. The recommendation and report will also include in its analysis:

   a. the anticipated total ad valorem and tangible property taxes to be received by the City as a consequence of the location, relocation or expansion of the TI;

   b. The TIs anticipated overall fiscal impact to the City's economy;

   c. Any grants, deferrals or incentives the TI has previously received from local, state or federal government;

   d. Other incentive applications which may be pending;

e. The projected cost to the City associated with any grants, deferrals and/or incentives which may be proposed to the applicant under this ordinance;

f. Availability of general revenue funds; and,

g. Any budgetary or fiscal constraints of the City.

In addition, the City will prepare the appropriate agreement or agreements between the City and the TI applicant regarding all grants, deferrals or incentives proposed under this ordinance.

5. At a duly noticed public hearing, the City Council shall consider the proposed incentive agreement or agreements under this ordinance. Following discussion, the City Council, in its legislative discretion, may vote to approve, amend or deny any agreement hereunder. The approval of any incentives under this ordinance shall be subject to funding availability as determined by the City Manager and the City's budget as set by the City Council.

6. Any TI approved under this ordinance must be in full compliance with this and all other applicable ordinances, codes and governmental regulations, and all terms and conditions of its agreement or agreements with the City as a pre-condition of receiving any grants, deferrals and/or incentives from the City.

7. Twelve (12) months after any agreement under this ordinance is concluded or terminated, the City will prepare a written report for the City Council which outlines the then present and anticipated economic impacts that the approved TI has and will have on the City.

8. Applications for the Hernando County *Jobs Creation Grant* would be made directly to the Hernando County Office of Business Development and would be subject to the County's rules, requirements and eligibility determinations for the same.

C. Additional Procedures and Rules. The City Manager is authorized to promulgate such other administrative policies, procedures and rules necessary to effectively implement the provisions of this ordinance.

SECTION 9. PERFORMANCE DEMONSTRATION AND REVIEW. Following adoption of an ordinance granting an Economic Development Ad Valorem Tax Abatement/Exemption or following execution of a grant agreement as required by this ordinance, the City may periodically conduct site visits and audits of the New Business or Expansion of an Existing Business to ensure that the business is satisfactorily performing under the ordinance or grant agreement and this ordinance. As a prerequisite of receiving an exemption, incentive or grant funds from the City in year one and each year thereafter, the New Business or Expansion of an Existing Business shall demonstrate:

A. That it has fully satisfied all terms and conditions contained in the agreement as described in Sections 6.A., 7.A. and/or ordinance as described in Section 8.A.4. continuing 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 City pursuant to this ordinance; and,

C. That it has created the number of eligible new jobs promised within the time frames set forth below:

1. For any new construction or expansion of a building or facility to be used and occupied by the New Business or Expansion of an Existing Business, the New Business or Expansion of an Existing Business shall demonstrate that it has created the number of eligible new jobs promised no later than twelve (12) months from receiving the certificate of occupancy for its primary building or facility, or from the date of completing its expansion.

2. For any existing building or facility, the New Business or Expansion of an Existing Business shall demonstrate that it has created the number of eligible new jobs promised no later than twelve (12) months from moving into its building or facility and commencing operations.

SECTION 10. CESSATION OF OPERATIONS DURING EXEMPTION/GRANT TERM. In the event the New Business or Expansion of an Existing Business ceases its operations, closes its business, moves out of the county, loses its status as a New Business or Expansion of an Existing Business at any time during the ordinance or agreement period, or is in breach or default of any ordinance or grant agreement with the City under this ordinance, then the New Business or Expansion of an Existing Business shall forfeit any and all funding/incentives which may be remaining under its agreement and any other incentive pursuant to this ordinance.

SECTION 11. ELIGIBILITY FOR EXPEDITED PLAN REVIEW AND PERMITTING. Targeted industries that qualify under this ordinance shall also be eligible for expedited plan review and permitting by the applicable City departments.

SECTION 12. INCENTIVES NON-EXCLUSIVE. The incentives in this ordinance are not exclusive and eligible Targeted Industries may apply for as many incentives as they qualify for in this ordinance or other provisions of the Code. Further, the incentives in this ordinance do not preclude an industry or business from applying or qualifying for or participating in other federal, state or local programs. The City Council, in its sole discretion, reserves the right to limit or restrict the number of applicants and the total number and dollar amount of all grants, deferrals and incentives under this ordinance which may be awarded in any given City fiscal year.

SECTION 13. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, in which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 15. AMENDMENT TO CODE. This Ordinance shall amend and supplement Chapter 26 Community Redevelopment, Article I In General of the Code of Ordinances for the City of Brooksville, as directed herein.

SECTION 16. CODIFICATION. It is the intention of the City Council of the City of Brooksville, Florida that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 13, 14, 15, and 16, shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 17. EFFECTIVE DATE. This Ordinance shall take effect and be in force after approval of same by the City Council of the City of Brooksville

CITY OF BROOKSVILLE

By: _____
Frankie Burnett, Mayor

Attest: _____
Janice L. Peters, CMC, City Clerk

PASSED on First Reading July 18, 2011
NOTICE Published on July 22, 2011
PASSED on Second & Final Reading August 1, 2011

APPROVED AS TO FORM FOR THE RELIANCE OF THE CITY OF BROOKSVILLE ONLY:

_____
Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:

Bernardini	AYE
Bradburn	AYE
Burnett	AYE
Johnston	AYE