



BUSINESS IMPACT ESTIMATE¹

Meeting Date: September 10, 2025

Agenda Item No. 10.2

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

The attached Ordinance proposes to amend the Town Code to authorize the Town to offer ad valorem tax abatements as an option in the future, subject to voter approval in accordance with Florida law. The current Town Code contains no provisions for tax abatement. This ordinance would not immediately grant any abatements; it would only establish the legal framework necessary should the Town elect to create such a program in the future. The purpose of this ordinance is to provide the Town with a potential economic development tool to encourage business investment, job creation, and redevelopment.

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs:

There are no direct compliance costs for businesses, as the ordinance does not impose new requirements, operational changes, or mandates.

b. New Charges/Fees on Businesses Impacted:

Not applicable. The ordinance does not impose any new charges, fees, or taxes on businesses.

c. Estimate of Regulatory Costs:

There are no new regulatory costs associated with this ordinance.

Good Faith Estimate of Number of Businesses Likely Impacted: No businesses will be directly impacted by adoption of the ordinance. However, if a tax abatement program is established in the future, qualifying businesses could experience reduced ad valorem tax liability.

Any Additional Information:

This Business Impact Estimate statement is provided as a courtesy. This Ordinance is exempt from the Business Impact Estimate statement requirements under Florida Law as an ordinance required for compliance with federal or state law or regulation under Section 166.041(4)(c)(1), Florida Statutes.

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).

ORDINANCE NO. 2025-005

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN ECONOMIC DEVELOPMENT INCENTIVE AD VALOREM TAX EXEMPTION; CREATING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROGRAM FOR THE TOWN OF PEMBROKE PARK; PROVIDING FOR JURISDICTION; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; ESTABLISHING AN APPLICATION PROCESS AND PROCEDURE; PROVIDING FOR ELIGIBILITY; PROVIDING FOR CONTINUATION AND REVOCATION OF THE PROGRAM; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF PEMBROKE PARK ON THE NOVEMBER 3, 2026 ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Pembroke Park finds that new economic development within the Town is a benefit to both the residents and the businesses; and

WHEREAS, the Town Commission of the Town of Pembroke Park finds that substantial improvements to the existing businesses within the Town also provide tangible benefits to both the residents and the businesses; and

WHEREAS, Pursuant to Section 3, Article VII of Florida's Constitution and in accordance with Fla. Stat. § 196.1995, the Town Commission seeks to propose an ordinance providing for an economic development ad valorem tax exemption program; and

WHEREAS, after careful deliberation and the consideration of public input, the Town Commission wishes to put the proposed ordinance to the electors of the Town; and

WHEREAS, the Town Commission has held a public hearing in accordance with Florida law; and

WHEREAS, the Town Commission deems the proposed ordinance, as detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article 2 of Chapter 24, of the Pembroke Park Code of Ordinances titled "Taxation and Finance," is hereby amended to create Sections 24-17 through 24-28, as set forth in Exhibit "A," attached hereto

Section 3. The Ballot Title shall be as follows:

ECONOMIC DEVELOPMENT INCENTIVE AD VALOREM TAX EXEMPTION

Section 4. At a Special Municipal Election on November 3, 2026, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Pembroke Park, Florida, and shall read as follows:

Shall the Town Commission of the Town of Pembroke Park be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses that are expected to create new, full-time jobs in the Town?

YES NO

Section 5. **Advertisement.** The Town Clerk of the Town of Pembroke Park is hereby authorized and directed to advertise the referendum election contemplated herein in accordance with the Code of Ordinances of the Town of Pembroke Park, Florida, as well as the State of Florida Election Code.

Section 6. **Codification.** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such

other word or phrase in order to accomplish such intention.

Section 7. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2025.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2025.

MAYOR GEOFFREY JACOBS

ATTEST:

CYNTHIA GARCIA-LIMA
Town Clerk

Approved As To Legal Form:

JACOB G. HOROWITZ
Town Attorney

EXHIBIT “A”

Sec. 24-17. Economic Development Ad Valorem Tax Exemptions: Enactment and authority.

Pursuant to Section 3, Article VII, of the State Constitution and in accordance with F.S. § 196.1995, the Town is authorized and empowered to adopt, amend or revise and enforce an ordinance relating to economic development ad valorem tax exemptions, after the electors of the Town, voting on the question in a referendum, authorize the adoption of such ordinance.

Sec. 24-18. Jurisdiction.

This article shall be applicable in all areas of the Town of Pembroke Park where the Town is the taxing authority.

Sec. 24-19. Purpose and Intent.

The public health, safety, comfort, economy, order, convenience and general welfare require the harmonious, orderly and progressive development of new business and expansion of existing business in the Town of Pembroke Park. It is the intent of this article to secure or to ensure:

- (1) The establishment of criteria for granting such exemptions to certain types of businesses or industries or for denying exemptions on a rational, nonarbitrary, nondiscriminatory basis by the Commission.
- (2) No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the Commission on a case-by-case basis for each application, after consideration of the property appraiser's report on that application.
- (3) Any exemption granted shall apply up to 100 percent of the assessed value of all improvements to real property made by or for the use of a new business and all tangible personal property of such new business, or up to 100 percent of the assessed value of all added improvements to real property, which additions are made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business.
- (4) Any exemption shall be up to a full ten-year period from the time the exemption is granted.
- (5) No exemption shall be granted on the land which new or expanded businesses are to be located.
- (6) No exemption shall be granted on County, school or water management district taxes, on any special districts encompassing all or part of the Town or on taxes levied for payment of bonds or taxes authorized [by] a vote of the electors of the Town of Pembroke Park, pursuant to Sections 9 or 12, Article VII, of the State Constitution.
- (7) No exemptions shall be granted for improvements to property or tangible personal property which have been previously included on the tax rolls.
- (8) The ability to receive an exemption for the period granted shall be conditioned upon the applicant's ability to maintain the new business or the expansion of an existing business as defined by the conditions of this application throughout the entire exemption period. The applicant shall be required to submit a report on an annual basis to the Town evidencing satisfaction of this condition. In addition, any business granted an exemption shall furnish to the Town such information/report as the Town may reasonably deem necessary for the purpose of determining continuing performance by the business of the conditions stated in this article, the ordinance granting the exemption and the representations made in the application process.

Sec. 24-20. Definitions.

The following words, phrases and terms shall have the same meanings attributed to them in current Florida Statutes and the Florida Administrative Code, except where the context clearly indicates otherwise:

- (1) Applicant. Any person, firm, partnership or corporation submitting an economic development ad valorem tax exemption application to the Commission.
- (2) Business. Any activity engaged in by any person, firm, corporation or company with the object of private or public gain, benefit, or advantage, either direct or indirect.
- (3) Commission. The Town Commission of the Town of Pembroke Park.
- (4) Department. The Florida Department of Revenue.
- (5) Expansion of existing business. As defined in F.S. § 196.012(15), as may be amended from time to time.
- (6) Improvements. Physical changes made to raw land, and structures placed on or under the land surface. All personal property acquired to facilitate an expansion of an existing business provided that the personal property is added or increased on or after the day the ordinance is adopted. However, property acquired to replace existing property shall not be considered to facilitate a business' expansion.
- (7) New business. As defined in F.S. § 196.012(14), as may be amended from time to time.
- (8) Retail operations. A business engaged in a sale to a consumer or to any person of an item of tangible personal property for any purposes other than for resale.
- (9) Sales factor. A fraction the numerator of which is the total sales of the taxpayer in this State during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period. (See F.S. § 220.15(5) for specifics of computation.)
- (10) Tangible personal property. As defined in F.S. § 192.001(11)(d), as may be amended from time to time.

Sec. 24-21. Application for exemption.

- (a) Application. Any eligible person, firm, partnership or corporation which desires an exemption shall file with the Commission a written application prescribed by the department (DR-418).
- (b) Required information. The application shall request that the Commission adopt an ordinance granting the applicant the exemption and shall include, at a minimum, the following:
 - (1) The name and location of the new business or the expansion of an existing business;
 - (2) The name of the owner(s) of the new business or the expansion of an existing business;
 - (3) A legal description of the real property and a description of the improvements to the real property for which an exemption is requested and the date of intended or actual commencement of construction of such improvement;
 - (4) A description of the tangible personal property for which an exemption is requested and the dates when such property is to be purchased;
 - (5) Proof, to the satisfaction of the Commission, that the applicant meets the criteria for a new business or for an expansion of an existing business as defined in section 24-20 hereof;
 - (6) The following information:
 - a. The current number of full-time/equivalent (FTE) of the expanding business; the total number of FTE to be created and maintained by the new or expanding business, and the period (total number of years) needed to fill all of the new jobs;
 - b. The expected number of employees who will reside in the Town;

- c. The average annual wage of the new jobs, identifying the average annual salary with executives' salaries included and with executives' salaries excluded;
- d. The type of business;
- e. The environmental impact of the business;
- f. The current and anticipated volume (in dollars) of business or production, and the percentage of total product sales outside of the County;
- g. Whether relocation or expansion would occur without the exemption;
- h. The cost and demand for services;
- i. The source of supplies (local or otherwise);
- j. Whether the business will be/is located in a community redevelopment area and/or enterprise zone; and
- k. The total length (number of years) of the exemption period being requested.

(7) Other information deemed necessary by the Commission.

- (c) Job creation and maintenance. A business will be required to commence the creation of full-time jobs within the period of the exemption and to maintain any newly filled jobs for its facility in the Town at minimum through to the expiration of the exemption granted by the Commission.
- (d) Filing deadline. The application shall be filed on or before March 1 of the year in which an exemption is requested.
- (e) Review. Upon submittal of the application, the Town Manager or his designee shall review same and notify the applicant of any facial deficiencies.

Sec. 24-22. Procedure.

- (a) Before the Commission acts on an application, it must be delivered to the Property Appraiser for review. After careful consideration, the Property Appraiser shall report to the Commission concerning the fiscal impact of granting exemptions. The Property Appraiser's report shall include the following:
 - (1) The total revenue available to the Town for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total revenue available cannot be determined.
 - (2) The amount of revenue foregone by the Town for the current fiscal year because of economic development ad valorem tax exemptions previously granted, or an estimate of such revenue if the actual total revenue available cannot be determined.
 - (3) An estimate of the amount of revenue which would be foregone for the current fiscal year if the exemption is granted to the new or expanding business.
 - (4) A determination that the business for which an exemption is requested meets the definition of a new or expanding business as defined in F.S. § 196.012, or into neither, which determination the Property Appraiser shall also affix to the face of the application. Upon request, the Department will provide the Property Appraiser such information as it may have available to assist in making this determination.
- (b) After consideration of the application and the report of the Property Appraiser, the Commission may choose to adopt an ordinance granting the tax exemption to a new or expanding business. The ordinance shall be adopted in the same manner as any other ordinance of the Town. The ordinance shall include the following information:
 - (1) The name and address of the new or expanding business.
 - (2) The amount of revenue available from ad valorem tax sources for the current fiscal year, revenue foregone for the current fiscal year because of economic development ad valorem tax exemptions

currently in effect, and the amount of estimated revenue which would be foregone because of the exemption granted to the new or expanding business.

- (3) The expiration date of the exemption. (Up to ten years from date of Commission adoption of the ordinance granting the exemption.)
- (4) A finding that the business meets the definition of a new business or an expansion of an existing business.
- (5) The Commission 's authority to revoke an exemption if the business no longer satisfies the criteria for the exemption.

(c) No exemption granted hereunder shall be effective until the business enters into an exemption agreement with the Town. The exemption agreement shall contain, at a minimum, the following:

- (1) A clear acknowledgement by the business that the exemption shall continue to exist only for so long as the business continues to meet all exemption requirements.
- (2) Such other matters required by the Town.

Sec. 24-23. Fees.

Fees charged to offset the cost of processing the economic development ad valorem tax exemption application or any exemption ordinance shall be adopted by the Commission by resolution.

Sec. 24-24. Eligible business.

When considering the issue of whether or not a business is an eligible business as defined herein, the Commission shall consider the anticipated number of employees, average wage, type of business, environmental impacts, volume of business or production or any other information relating to the issue of whether the proposed development in the Town of Pembroke Park prior to accepting the economic development ad valorem tax exemption application. The criteria for determining the length of an exemption and the percentage amount of an exemption may be adopted by the Commission by resolution. The criteria shall provide for incentives for businesses that employ Town of Pembroke Park residents who establish permanent domicile pursuant to Florida Statutes.

Sec. 24-25. Ineligible business.

Any business in violation of any federal, state, or local law or regulation is ineligible to receive an exemption. The Commission may use this criteria to deny a request for an exemption or to revoke an exemption previously granted. The Commission may, in its discretion, determine that a business is eligible notwithstanding that the business is in violation.

Sec. 24-26. Continuation of exemption.

Each new business or expansion of an existing business granted an exemption pursuant to this article, must comply with the following:

- (a) Continue to meet all exemption requirements during the term of the exemption.
- (b) No later than March 1 of each year during the term of the exemption, provide an annual report to the Town which shall certify and, if requested by the Town, contain satisfactory proof, that the new business or expansion of an existing business continues to meet all exemption requirements.
- (c) Timely comply with all requirements of F.S. § 196.011, during the term of the exemption.
- (d) Immediately notify the Town of any failure by the new business or expansion of an existing business to meet all exemption requirements.

Sec. 24-27. Revocation of exemption.

- (a) Commission. Should any new business or expansion of an existing business fail to file the annual report with the Commission on or before March 1 of each year the exemption has been granted as required in section 24-26, or fail to continue to meet the definition of a new business or an expansion of an existing business, and/or fail to fulfill any other representation made to the Commission during the application process, including the creation and maintenance of the total number of new jobs identified by a business in the application, the Commission may adopt an ordinance revoking the ad valorem tax exemption.
- (b) Revocation. The revocation of an ordinance may occur for a business that fails to fulfill its obligations as provided for under the ordinance granting the business an exemption after the expiration of this article. The effective date for revocation of the exemption will be identified in the ordinance.
- (c) Notification. Upon revocation, the Commission shall immediately notify the Property Appraiser.
- (d) Recover taxes. For any year that taxes may have been exempted and the Commission finds that the business was not entitled to the exemption, such taxes may be recovered; and the Property Appraiser will assist the Commission to recover any taxes exempted.
- (e) Property Appraiser. Should any new business or expansion of an existing business fail to file the annual exemption renewal application with the Property Appraiser on or before March 1 of each year the exemption has been granted in accordance with F.S. § 196.011(1)(a), or fail to continue to meet the definition of a new business or an expansion of an existing business, the Property Appraiser may deny the exemption in accordance with F.S. § 196.193(5).
- (f) Reapply. Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to state law.

Sec. 24-28. Appeals.

The decision of the Commission not to grant an economic development ad valorem tax exemption to a particular business is subject only to judicial review pursuant to the Florida Rules of Appellate Procedure.

CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions