



Florida Atlantic Research and Development Authority

Policy No. 14-2

Title: Administrative Requests Policy

Date Adopted: December 10, 2014

Effective Date: January 1, 2015

Amended: July 26, 2017, June 26, 2019

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1. **Purpose** – To adopt an administrative requests policy (“Administrative Requests Policy”) designated as Policy No. 14-2.

The Approval Policy is intended to:

- (a) Delineate how tenants can apply for administrative assistance of the Authority; and
- (b) Account for administrative, legal and accounting costs associated with the Authority’s obligation to review and process administrative requests submitted by its tenants in the Research Park.

The Approval Policy is hereby adopted, to wit:

2. **Scope** – The Approval Policy shall apply to all Authority tenants of any current or future campuses, on or after the Effective Date. The Approval Policy shall apply to existing tenants to the extent set forth herein but shall not have any retroactive effect.
3. **Definitions**
 - a. “President” shall mean the Authority employee whose job title is President. If the President role is vacant, “President” shall mean the person designated by the Authority as the acting President.
 - b. “Broker” shall mean the commercial real estate broker designated by the owner of any of the buildings or by the holder of any leasehold interest in the Research Park to represent that building or leasehold interest for the purposes of selling or leasing it to end user tenants or other entities.

- c. “Owner” shall mean the person or entity that owns any of the buildings in the Research Park, or that owns any leasehold interest in any of the leases, subleases or sub-subleases in the Research Park.
- d. “Applicant” shall mean the tenant which makes application to the Authority for assistance.
- e. “Application” shall mean any request from a tenant or sub-tenant to provide:
 - i. An estoppel certificate;
 - ii. A Non-Disturbance, Recognition and Direct Leasing Agreement;
 - iii. An amendment to a lease, sub-lease or sub-sublease;
 - iv. Consider a consent to a transaction which requires FARDA’s review; and
 - v. Any other request for administrative review and/or action by FARDA that is for the sole or primary benefit of the tenant, sub-tenant, or leaseholder.
- f. “Research Park” shall mean real property and/or buildings owned, leased or controlled by the Authority, which are intended to house companies and organizations involved in research and development of new products and services for the economic development of Palm Beach and Broward counties, and in promoting scientific research and development in collaboration with FAU..
- g. “Tenant” shall mean any entity which leases real property and/or buildings owned, leased or controlled by the Authority, and any entity which sub-leases real property from such an entity. The meaning shall also include entities which lease space within a building owned, leased or controlled by the Authority or any of its sublessees.

4. Initial Procedure –

- a. All Applicants must be identified and presented to the President. President shall make him/herself available to meet with the Applicant within five business days of a request to meet, unless such obligation is impracticable under the circumstances. If the five-business day deadline may not be met, the President shall meet with the Applicant as soon as practicable.
- b. The President will review the materials the Applicant is requesting be reviewed and determine, in consultation with General Counsel, whether or not Authority action is required.
- c. If no Authority action is required the President shall inform the Chair of the Authority of the request that has been received and express his/her intention to execute the relevant documents or take the relevant action within thirty (30) days of such notice to the Chair.
- d. The President will consult with General Counsel to review any relevant documents to ensure legal sufficiency and, if applicable, any necessary protections for FARDA’s interests.

- 5. Review –** If the President, in consultation with General Counsel, deems that the application requires Authority action, he/she shall inform the Chair of the application within five (5) days of receiving the application and, with the Chair’s consent, place the item on the next regularly scheduled meeting of the Authority for review. At such meeting the President and General

Counsel will describe the application and the action the Authority is being asked to take. The Applicant will have the opportunity to address the Authority at such meeting. The President will present his/her recommendation to the Authority. If the Authority approves the application, it shall specify in its resolution whether the Chair or the President is authorized to execute the necessary actions and documents. The authorized party shall execute the actions approved by the Authority within thirty (30) days of the Authority's approval, or at such time as the Authority prescribes (such as a transaction closing date).

6. **Administrative Accounting** – In order to account for administrative, legal and accounting costs associated with the Authority's obligation to review and process administrative requests submitted by its land tenants and sub-tenants in the Research Park, the Authority requires that the applicant shall pay a review and processing fee of one thousand dollars (\$1,000) per application or entity that is making application. Such fee shall be satisfied and paid before the date of the Authority meeting, if one is required. In the case that the President determines that no Authority action is required, the fee shall be due and payable within thirty days (30) of his/her action or approval. Failure to satisfy the fee before the Authority meeting will result in the President recommending that the Authority delete the item from its agenda until such time as the fee is paid. A schedule of other requests and associated fees follows:

Fee Schedule

Administration of billing from governmental agencies	5% of total amount billed
Review of requested amendments to leases	\$1,000 per lease/document
Review of requested assignment of leases	\$1,000 per transaction
Administration of estoppel certificate requests	\$1,000 per certificate
Site plan review	\$1,000 per site plan
Administration of permit applications (incl. signing off on permits to other agencies)	5% of permit application fee (\$50 minimum)

Fees may vary depending non-standard items for review and approval. An estimate of the review fee will be provided to the party requesting the review before FARDA begins the review process.

Legal Fees – Any legal fees FARDA incurs as a result of considering changes or requests made by tenants will be billed by FARDA's general counsel at commercial rates and must be reimbursed to FARDA. Any legal costs incurred by the Authority as a result of administering any of the above listed services are separate from the fees charged by the Authority. Applicant must agree to reimburse the Authority for 100% of the legal costs incurred by the Authority. General Counsel will furnish FARDA with an invoice for its services at on its regular invoicing schedule, and FARDA will invoice the applicant for reimbursement within five (5) days of

receiving such invoices. Costs must be reimbursed to FARDA within thirty (30) days of the Authority's invoice date. If the estimated legal costs exceed two thousand dollars (\$2,000) FARDA requires that the tenant deposit the estimated legal costs, in the reasonable estimation of the President, in escrow with FARDA's General Counsel at the time of submission in order to ensure timely payment. FARDA's approval or action will contain language providing for the payment of General Counsel's fees making the action void unless fees are paid.

7. Exceptions – In the event that a state agency, other than an institution of higher learning, is a land tenant or sub-tenant, it shall be exempt from this policy.

ADOPTED THIS 10TH DAY OF DECEMBER, 2014

AMENDED THIS 26th DAY OF JULY, 2017

AMENDED THIS 26th DAY OF JUNE, 2019