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| Meeting Date |
| April 28, 2015 |



| AGENDA | |
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| Section | Public Hearing |
| Item No. | IV.6 |

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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| SUBJECT: | Ordinance rescinding select company Economic Development Tax Exemption Abatements |
| DEPT/OFFICE: | County Manager's Office / Management Services Group |

Requested Action:
 It is requested that the Board of County Commissioners consider adopting an ordinance rescinding Economic Development Tax Exemption abatements of select companies that no longer qualify.

Summary Explanation & Background:

The Brevard County Economic Development Tax Exemption abatement program requires that all companies participating in the abatement program maintain its eligibilty as set forth in its original application to the County. Eligibility is reviewed on an annual basis of those companies participating in the tax abatement program. Annual reports with employment verification information such as IRS form 941 or a RT6 form are reviewed with the Property Appraiser's Office each year.

This year eight (8) companies in the County Economic Development Tax Exemption Abatement program no longer qualify under the program guidelines.

1. DRS Imaging and Targeting Systems, Ordinance 2008-22, 100 N. Babcock St., Melbourne, Fl. 32935.
2. D4 Energy Group, Inc., Ordinance 2013-09 and Ordinance 2013-024, 165 W. 78th St, Eden Prairie, MN 55346-4302; 425 North Drive, Melbourne, Fl. 32934.
3. Diamondback CNC, LLC., Ordinance 2012-11, 1060 Cox Road, Cocoa, Fl. 32926.
4. Nuance Communications, Ordinance 2012-20, One Wayside Drive, Burington, MA. 01803; 984 Pepsi Cola Drive, Melbourne, Fl.
5. Bertram Yacht, Ordinance 2012-17, 1210 Bertram Way, Merritt Island, Fl. 32952
6. SeaAway Family of Companies, Ordinance 2010-04, 1230 Sea Ray Blvd., Merritt Island, Fl.
7. Lockheed Martin IS & GS Defense, Ordinance 2010-10, 4401 Fortune Place, West Melbourne, Fl.
8. XUN Energy, Inc., Ordinance 2013-32, 425 North Drive, Melbourne, Fl.

These companies no longer qualify as they have not created the minimum jobs or have not submitted an Annual Report required per Florida Statutes. Certified letters were sent notifying the companies that the Board of County Commissioners was considering rescinding their ordinances.

Fiscal Impact: Cost of Advertisement

Staff Contact: Stockton Whitten, County Manager, 633-2001, stockton.whitten@brevardcounty.us

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|--|--------------------------|----|--------------------------|---------------------------------|--------------------------|
| Clerk to the Board instruction: | | | | | |
| Exhibits Attached Ordinance | | | | | |
| Contract /Agreement (If attached): Reviewed by County Attorney | | | | | |
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | PR | <input type="checkbox"/> |
| County Manager | Assistant County Manager | | | Department Director / Extension | |
| Stockton Whitten | Assistant County Manager | | | | |



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

May 6, 2015

M E M O R A N D U M

TO: Stockton Whitten, County Manager

RE: Item IV.G., Ordinance Rescinding Select Company Economic Development Tax Exemption Abatements

This is to correct the memorandum of April 29, 2015. The Board of County Commissioners, in regular session on April 28, 2015, adopted Ordinance No. 15-07, rescinding Economic Development Tax Exemption abatements of DRS Imaging and Targeting Systems, D4 Energy Group, Inc., Nuance Communications, Bertram Yacht, SeaAway Family of Companies, Lockheed Martin IS & GS Defense, and XUN Energy, Inc., select companies that no longer qualify. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

ORDINANCE NO. 2015- 07

AN ORDINANCE REPEALING ORDINANCES GRANTING CERTAIN AD VALOREM TAX EXEMPTIONS FOR FAILURE TO CONTINUE TO MEET THE CRITERIA FOR SUCH EXEMPTIONS; REPEALING ORDINANCE 2008-22 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED DRS IMAGING AND TARGETING SYSTEMS; REPEALING ORDINANCE 2013-024 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED D4 ENERGY GROUP, INC.; REPEALING ORDINANCE 2012-20 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED NUANCE COMMUNICATIONS; REPEALING ORDINANCE 2012-12 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED BERTRAM YACHT; REPEALING ORDINANCE 2010-04 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED SEA AWAY FAMILY OF COMPANIES; REPEALING ORDINANCE 2010-10 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED LOCKHEED MARTIN IS & GS DEFENSE; REPEALING ORDINANCE 2013-32 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED XUN ENERGY, INC.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, DRS Imaging and Targeting Systems, Melbourne, Fl., D4 Energy Group, inc., Melbourne, Fl., Diamondback CNC, LLC, Cocoa, Fl., Nuance Communications, Melbourne, Fl., Bertram Yacht, Merritt Island, Fl., SeaAway Family of Companies, Merritt Island, Fl., and XUN Energy, Inc. no longer meet the criteria of Chapter 196.012.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

Section 1. Ordinance 2008-22 relating to the economic development ad valorem exemption granted to DRS Imaging and Targeting Systems, 100 N. Babcock St., Melbourne, fl. 32935, is hereby repealed.

Section 2. Ordinance 2013-09 relating to the economic development ad valorem exemption granted to D4 energy Group, Inc., 425 North Drive, Melbourne, Fl. is hereby repealed.

Section 3. Ordinance 2012-20 relating to the economic development ad valorem exemption granted to Nuance Communications, 984 Pepsi Cola Drive, Melbourne, Fl.

Section 4. Ordinance 2012-12 relating to the economic development ad valorem exemption granted to Bertram Yacht, 1210 Bertram Way, Merritt Island, Fl.

Section 5. Ordinance 2010-04 relating to the economic development ad valorem exemption granted to SeaAway Family of Companies, 1230 Sea Ray Blvd., Merritt Island, Fl.

Section 6. Ordinance 2010-10 relating to the economic development ad valorem exemption granted to Lockheed Martin IS & GS Defense, 4401 Fortune Place, West Melbourne, fl. 32904

Officially filed with the Secretary of State on August 13, 2015.

Section 7. Ordinance 2013-32 relating to economic development ad valorem exemption granted to XUN Energy, 425 North Drive, Melbourne, Fl.

Section 8. Effective date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session this 28th day of April, 2015

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By: 

Robin Fisher, Chairman

As Approved by the Board on April 28 2015



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 13, 2015

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Donna Scott, Assistant Clerk to the Board

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your replacement electronic copy of Brevard County Ordinance No. 2015-07, which was filed in this office on August 13, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on April 28, 2015 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 2015-_____

AN ORDINANCE REPEALING ORDINANCES GRANTING CERTAIN AD VALOREM TAX EXEMPTIONS FOR FAILURE TO CONTINUE TO MEET THE CRITERIA FOR SUCH EXEMPTIONS; REPEALING ORDINANCE 2008-22 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED DRS IMAGING AND TARGETING SYSTEMS; REPEALING ORDINANCE 2013-024 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED D4 ENERGY GROUP, INC.; REPEALING ORDINANCE 2012-11 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED DIAMONDBACK CNC, LLC.; REPEALING ORDINANCE 2012-20 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED NUANCE COMMUNICATIONS; REPEALING ORDINANCE 2012-17 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED BERTRAM YACHT; REPEALING ORDINANCE 2010-04 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED SEA AWAY FAMILY OF COMPANIES; REPEALING ORDINANCE 2010-10 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED LOCKHEED MARTIN IS & GS DEFENSE; REPEALING ORDINANCE 2013-32 RELATING TO THE ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION GRANTED XUN ENERGY, INC.; AND PROVIDING AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the County Manager's Office, 633-2001.

A copy of the ordinance may be inspected at the following locations:

Brevard County Government Center, Building C Clerk to the Board of County Commissioners
Central Brevard Library Law Library North Brevard Government Complex, Tax Collector
Merritt Island Service Complex, Supervisor of Elections
South Brevard Service Complex, Supervisor of Elections

By order of the Board of County Commissioners of Brevard County, Florida



County Manager's Office
2575 Judge Fran Jamieson Way
Viera, Fl. 32940

Phone 633-2010
Fax 633-2115
sally.lewis@brevardcounty.us

April 10, 2015

Kathy Cicala
Legal Advertisement Section
Florida Today
P.O. Box 41-9000
Melbourne, Fl. 32936

VIA: E-MAIL KCICALA@FLORIDATODAY.COM

Dear Kathy,

Please place the attached **PUBLIC HEARING NOTICE** in the Legal Section, in the **Thursday, April 16, 2015** edition of the Florida Today.

Please forward the bill and proof of publication to me:

ATTENTION: SALLY LEWIS, COUNTY MANAGER'S OFFICE
2725 Judge Fran Jamieson Way
Bldg. C, Room 301
Viera, Fl. 32940

If you have any questions, please contact me at 633-2010.

Cordially,

Sally Lewis
Agenda Coordinator
/sl
cc: Clerk to the Board

Lewis, Sally A

From: Cicala, Kathy <kcicala@floridatoday.com>
Sent: Friday, April 10, 2015 1:49 PM
To: Lewis, Sally A; Brevard-Legals-FloridaToday
Cc: Christine Mulligan; Donna Scott; John Lynch; Kelly; Tammy Etheridge
 (tammy.etheridge@brevardclerk.us)
Subject: RE: Legal ad for 4-16-15

AD#352283
 \$205.58
 4/16

AD#352283,04/16/2015 û

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 2008-22 RELATING TO THE ECONOMIC
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By order of the Board of County Commissioners of Brevard County, Florida

Kathy Cicala

LEGAL ADVERTISING SPECIALIST

FLORIDA TODAY, THE EAGLE, THE REPORTER

FLORIDATODAY

P.O. Box 419000, Melbourne, FL 32941-9000

321 242-3832

legals@floridatoday.com

thereporter@gannett.com

theeagle@gannett.com
kcicala@floridatoday.com

Please visit us online at www.floridatoday.com

THIS EMAIL IS NOT A BILL.

From: Lewis, Sally A [<mailto:Sally.Lewis@brevardcounty.us>]
Sent: Friday, April 10, 2015 11:50 AM
To: Cicala, Kathy
Cc: Christine Mulligan; Donna Scott; John Lynch; Kelly; Tammy Etheridge (tammy.etheridge@brevardclerk.us)
Subject: Legal ad for 4-16-15

Kathy,
Please place the attached Public Hearing ad in the legal section of the Florida Today on Thursday, April 16, 2015.
Thank you,
Sally

Sally Lewis
County Manager's Office
321-633-2010
Sally.lewis@brevardcounty.us

Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

ORDINANCE NO. 2015- ____

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~~Section 3. Ordinance 2012-11 relating to the economic development ad valorem exemption granted to Diamondback CNC, LLC, 1060 Cox Road, Cocoa, Fl.~~

~~Section 4.3. Ordinance 2012-20 relating to the economic development ad valorem exemption granted to Nuance Communications, 984 Pepsi Cola Drive, Melbourne, Fl.~~

~~Section 5.4. Ordinance 2012-17 relating to the economic development ad valorem exemption granted to Bertram Yacht, 1210 Bertram Way, Merritt Island, Fl.~~

~~Section 6.5. Ordinance 2010-04 relating to the economic development ad valorem exemption granted to SeaAway Family of Companies, 1230 Sea Ray Blvd., Merritt Island, Fl.~~

| Section 76. Ordinance 2010-10 relating to the economic development ad valorem exemption granted to Lockheed Martin IS & GS Defense, 4401 Fortune Place, West Melbourne, fl. 32904

| Section 87. Ordinance 2013-32 relating to economic development ad valorem exemption granted to XUN Energy, 425 North Drive, Melbourne, Fl.

| Section 9-8. Effective date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session this 28th day of April, 2015

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Robin Fisher, Chairman

As Approved by the Board on _____ 2015