

Meeting Date
<b>March 21, 2017</b>



AGENDA	
Section	Public Hearing
Item No.	<i>III, A.</i>

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	Economic Development Tax Exemption Ordinance for Erchonia Corporation
DEPT/OFFICE:	County Manager's Office

Requested Action:

The Economic Development Commission of Florida's Space Coast requests the Board of County Commissioners approve an amendment to Ordinance 2015-20 for Erchonia Corporation to reflect a change in address and reduction in scope of Ad Valorem Tax Exemption

Summary Explanation & Background:

On July 21, 2015 The Board adopted Ordinance 2015-20 granting an exemption from ad valorem taxes for the Company's expanding facility and tangible personal property at Digital Light Drive in Melbourne, FL: Parcel ID 27.36.23.77.000B.00-00031.00 Legal Description: Plat Book/Page: 0047/0073 North Drive Industrial Plaza, Phase One a Replat of Track B BLK B PB 43 PG 28 Lot 31 BLK B. Due to Erchonia's change in plans regarding the property, the original property at Digital Light Drive in Melbourne, FL: Parcel ID 27.36.23.77.000B.00-00031.00 Legal Description: Plat Book/Page: 0047/0073 North Drive Industrial Plaza, Phase One a Replat of Track B BLK B is no longer the real property covered by the original ordinance. The address for the exemption granted in Ordinance 2013-35 has therefore changed and the current address at 650 Atlantis Road, Melbourne, Fl. and contains a building which would not qualify for the exemption. However, the tangible personal property exemption component in the original ordinance would remain since that personal property has and will continue to be installed in that building. The corrective ordinance reflects the correct address and effect of the change in address. As written, if the Board adopts this ordinance, the change in address would act retroactively and have the effect of allowing the original exemption from tangible personal property ad valorem taxes to remain intact.

Erchonia is a medical laser device manufacturer considering building a 20,000 SF manufacturing facility.

Clerk to the Board Instructions:

Exhibits Attached: Amended Ordinance

<b>Contract /Agreement (If attached):</b>		<b>Reviewed by County Attorney</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager, Frank Abbate		Department Director / Extension/Agency Economic Development Commission of Florida's Space Coast					
Stockton Whitten	Assistant County Manager, Venetta Valdengo							



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

March 22, 2017

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item IV.A., Ordinance for Economic Development Tax Exemption for Erchonia Corporation

The Board of County Commissioners, in regular session on March 21, 2017, adopted Ordinance No. 17-04, Economic Development Tax Exemption for Erchonia Corporation. Enclosed is a certified copy of the Ordinance for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Denna Scott*  
for: Tammy Rowe, Deputy Clerk

Encl. (1)

/kp

cc: Finance  
Budget



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 23, 2017

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

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2017-04, which was filed in this office on March 22, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2017-04**

**AN ORDINANCE CORRECTING THE THIRD RECITAL IN BREVARD COUNTY ORDINANCE NO. 2015-20 BY SUBSTITUTING THE CORRECT ADDRESS UPON WHICH AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION FOR TANGIBLE PERSONAL PROPERTY TAX EXEMPTION WAS GRANTED TO ERCHONIA CORPORATION; PROVIDING FOR RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE, REMOVAL OF THE REAL PROPERTY EXEMPTION ORIGINALLY GRANTED AND RETROACTIVE APPLICATION OF THE CORRECTION.**

**WHEREAS**, Erchonia Corporation, has previously requested that the Board of County Commissioners grant an exemption from ad valorem taxes for the Company's expanding facility and tangible personal property at Digital Light Drive in Melbourne, FL: Parcel ID 27.36.23.77.000B.00-00031.00 Legal Description: Plat Book/Page: 0047/0073 North Drive Industrial Plaza, Phase One a Replat of Track B BLK B PB 43 PG 28 Lot 31 BLK B; and

**WHEREAS**, Ordinance No. 2015-20 granted Erchonia Corporation the requested ad valorem tax exemption; and

**WHEREAS**, due to Erchonia Corporations' subsequent change in plans, the address for the granted exemption listed in Ordinance No. 2015-20 originally given as Digital Light Drive in Melbourne, FL: Parcel ID 27.36.23.77.000B.00-00031.00 Legal Description: Plat Book/Page: 0047/0073 North Drive Industrial Plaza, Phase One a Replat of Track B BLK B PB 43 PG 28 Lot 31 BLK B, and, as a consequence, that location is no longer qualified for an ad valorem tax exemption because no building was built on that site by Erchonia;

**WHEREAS**, the address where the two million dollars in tangible personal property identified in the Erchonia application has or will be actually been installed should now read: 650 Atlantis Road, Melbourne, FL.; and

**WHEREAS**, Erchonia has met the job requirements specified in their application

**NOW THEREFORE:**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:**

**Section 1. Correction.** The third recital set forth in Brevard County Ordinance No. 2015-20 is hereby corrected and restated to read as follows:

Officially filed with Secretary of State March 22, 2017

**WHEREAS**, Erchonia Corporation, has requested that the Board of County Commissioners exempt ad valorem taxes for its tangible personal property at 650 Atlantis Road, Melbourne, FL.

**Section 2. Ratification.** All other terms, provisions and conditions set forth in Brevard County Ordinance 2015-20 are hereby ratified, confirmed and remain in full force and effect, except as modified by Section 3, below.

**Section 3. Effective Date and Retroactive Application** - This Ordinance shall become effective immediately upon filing as provided 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. The address correction set forth in this ordinance shall be deemed to have been part of Ordinance No. 2015-20 as of the effective date of said Ordinance No. 2015-20 and the ad valorem tax exemption granted under Ordinance No. 2015-20 shall be deemed to have been granted to the tangible personal property but not to the real property specified at the corrected address as set forth in this corrective Ordinance, which correction shall be deemed to apply retroactively to the effective date of Ordinance No 2015-20 for all purposes recited in that ordinance.

**Done and Adopted** this 21 day of **March, 2017**

Attest:



Scott Ellis, Clerk

**Brevard County Board of County Commissioners**

BY: 

Curt Smith, Chairman

As approved by the Board on March 21, 2017



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

Table with 4 columns: PUBLICATION, TOLL-FREE, Local #, Email. Rows include Florida Today, Eagle, and Reporter.

Customer: B.O.C.C. COUNTY MANAGER'S OFF

Ad No.: 0001966512

Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Pymt Method Invoice
Net Amt: \$237.80

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/09/17

Text of Ad:

AD#1966512

3/9/2017

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on March 21, 2017 at 9:00 AM, 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. 17- \_\_\_\_\_

AN ORDINANCE CORRECTING THE THIRD RECITAL IN BREVARD COUNTY ORDINANCE NO. 2015-20 BY SUBSTITUTING THE CORRECT ADDRESS UPON WHICH AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION WAS GRANTED TO ERCHONIA CORPORATION; PROVIDING FOR RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE AND RETROACTIVE APPLICATION OF CORRECTION.

Interested parties may appear at the March 21, 2017 meeting and be heard with respect to the proposed ordinance.

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

- Office of Clerk to the Board of County Commissioners, Titusville, Florida
North Brevard Library, Titusville, Florida
Central Brevard Library, Cocoa, Florida
Melbourne Library, Melbourne, Florida
South Mainland Library, Micco, Florida

A copy of the ordinance may also be viewed online at:
http://www.brevardcounty.us/CountyManager/DraftOrdinances .

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based. Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record.

In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates http://www.scqtv.org.