

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



AGENDA	
Section	Consent
Item No.	<i>II D.4</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 grant legislative intent and permission to advertise an amendment to Ordinance 2015-20 for Erchonia Corporation to reflect an address correction.

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 PB 43 PG 28 Lot 31 BLK B is an erroneous address for the exemption granted in Ordinance 2013-35. The actual address should read, 650 Atlantis Road, Melbourne, FL. which would become the address for the exemption should the Board adopt this corrective ordinance. As written, if the Board adopts this ordinance, the change in address would act retroactively and have the effect of substituting the corrected address in the original ordinance 2015-20 granting the exemption as of the effective date of that ordinance.

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

EDC Contact: Jennifer Hashagen, 321-638-2000  
 Staff Contact: Scott Knox, County Attorney, 321-633-2090

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

February 23, 2017

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item II.D.4., Legislative Intent and Permission to Advertise Amendment to Ordinance No. 15-20, Erchonia Corporation to Reflect an Address Correction

**This is to correct the memorandum of February 22, 2017.** The Board of County Commissioners, in regular session on February 21, 2017, tabled the legislative intent and permission to advertise amendment to Ordinance No. 15-20, Erchonia Corporation, to reflect an address correction to the March 7, 2017, meeting.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager

**ORDINANCE NO. 2017-\_\_**

**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.**

**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, was erroneous and the address should have read: 650 Atlantis Road, Melbourne, FL.;

**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:

**WHEREAS**, Erchonia Corporation, has requested that the Board of County Commissioners exempt ad valorem taxes for its expanding facility and 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.

**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 property specified at the corrected address as set forth in this corrective Ordinance, which correction shall 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 February, 2017

Attest:

**Brevard County Board of County Commissioners**

\_\_\_\_\_

Scott Ellis, Clerk

**BY:** \_\_\_\_\_

Curt Smith, Chairman

(as approved by the Board on February 21, 2017

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on **March 7, 2017** at 6:00 p.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. 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 7, 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.scgtv.org>.