



Meeting Date
May 17, 2016

AGENDA	
Section	Public Hearing
Item No.	IV.E

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Economic Development Tax Exemption Ordinance Re: Wal-Mart Stores East, LP
DEPT/OFFICE:	Management & Community Services Group / County Manager's Office/

Requested Action:

It is requested that the Board of County Commissioners consider adopting an Economic Development Ad Valorem Exemption Ordinance for Wal-Mart Stores East, LP

Summary Explanation & Background:

Wal-Mart Stores East, LP is considering developing a 460,000+ SF refrigerated warehouse and distribution facility in Cocoa, Fl. The company plans to create 239 new jobs over 3 years with an average wage of \$42,421 and invest \$96,200,000 in new capital expenditures. The proposed job creation timeline for the project is as follows:

# New Jobs	Dates
100	12/31/2018
50	12/31/2019
89	12/31/2020

Total 239

Wal-Mart Stores East, LP meets the eligibility criteria as defined by Florida Statutes under Chapter 196.012(15) (a) 1. As a new business in Brevard County.

“A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any one or more of the following operations: manufacturers, processes, compounds, fabricates or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant”.

The EDC has made a recommendation Wal-Mart Stores East, LP be provided an abatement of 80% for eight (8) years. The Property Appraiser has conducted an analysis of the tax abatement application and it is estimated that at 80% the amount of the annual tax abatement will be approximately \$374,799.61 and the total Tax Abatement for a period of 8 years is \$2,998,397.

Fiscal Impact: 2016-2017 No fiscal impact

Fiscal Impact: 2017-2018 Fiscal Impact until company moves into and builds out facility

Clerk to the Board instruction:

Exhibits Attached: Ordinance, legal ad, Executive Summary, application, Economic Impact Analysis

Contract /Agreement (If attached): Attorney	Reviewed by County	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 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

May 18, 2016

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item IV.E., Ordinance for Economic Development Tax Exemption for Wal-Mart Stores East, LP

The Board of County Commissioners, in regular session on May 17, 2016, adopted Ordinance No. 16-06, adopting an Economic Development Ad Valorem Exemption for Wal-Mart Stores East, LP. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/af

Encl. (1)



file
5/17/16

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 20, 2016

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. 2016-06, which was filed in this office on May 20, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016- 06

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP. SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Wal-Mart Stores East, LP, has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at SE Corner of I95 and SR 524, Port Canaveral Logistics Park.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Wal-Mart Stores East, LP, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(16) F.S.; and

WHEREAS, it has been determined that Wal-Mart Stores East, LP, meets the requirements of Chapter 196.012(14) or (15) F.S., for new business or an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation", of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2__ as follows:

(a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Wal-Mart Stores East, LP (hereafter referred to as "the Company"), for:

1. 80% percent of the total of a) the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser; plus b) the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
2. 80% percent the total of a) the assessed value of all added improvements to real property made to facilitate the expansion of an existing business (not to exceed the amount identified in the Company's application for exemption) plus b) the

assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).

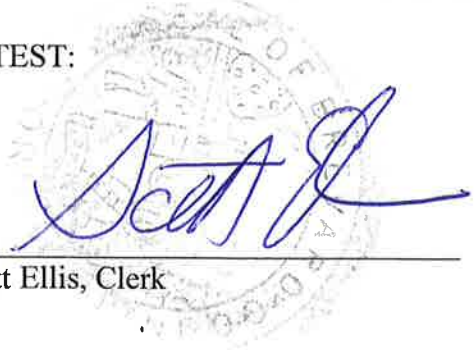
- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$ 201,341,291.88; \$ 166,478.02 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of ten (10) years commencing in the first year that any new or expanded facility and tangible personal property is added to the assessment roll and ending ten (10) years after that commencement date.
- (d) In accordance with the findings of the Board of County Commissioners and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of either a new business or expansion of an existing business, as defined by Chapter 196.0125(14) or (15), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the ten (10) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of section 196.012(14) or (15), Florida Statutes, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.
- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) If, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of section 196.012 (14) or (15), F.S., which ever was applicable to the exemption granted by this ordinance.

Section 2. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 3. Effective Date - 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.

DONE, ORDERED AND ADOPTED in Regular Session this 17th day of May, 2016

ATTEST:



A circular seal of Brevard County, Florida, featuring a central emblem and the text "BREVARD COUNTY FLORIDA" around the perimeter. A blue ink signature is written over the seal.

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: _____

CURT SMITH, VICE-CHAIRMAN

As approved by the Board on 5/17/2016



May 5, 2016

Mr. Stockton Whitten
County Manager
Brevard County
2725 Judge Fran Jamieson Way, Building C
Viera, FL 32940 USA

Dear Mr. Whitten:

The Ad Valorem Tax Abatement Council convened May 5, 2016 to review an application submitted by Wal-Mart Stores East, LP.

The following Council members were in attendance: Judy Blanchard, Career Source Brevard; Melissa Byron, City of Cocoa Beach; Chris Campanaro, JP Morgan Chase Bank, N.A.; Doug Dombroski, City of Melbourne; Stephanie Eley, City of West Melbourne; Robbie Fritz, HUB International Florida; Neal Johnson, EverBank; Joan Junkala, City of Cocoa; Brian Lightle, Lightle Beckner Robinson Inc; Todd Morley, City of Cape Canaveral; Jennifer Rogers, BRPH; Gilbert Russell, Seacoast Bank; Julie Song, FL Business & Manufacturing Solutions, Inc.

Guest(s): Dave Berman, Florida Today

EDC staff members in attendance included: Greg Weiner, Senior Director Business Development; Julie Roslin, Manager, Business Development; Cammie Goode, Business Development Specialist.

Wal-Mart Stores East, LP plans to create 239 new jobs over 3 years, with an average wage of \$42,421 and a total capital investment of \$96,200,000.

# of New Jobs	Date jobs will be created
100	12/31/2018
50	12/31/2019
89	12/31/2020
TOTAL	239

The Ad Valorem Tax Abatement Council made the recommendation of 80 percent abatement for 8 years for Wal-Mart Stores East, LP.

The Council consulted the EDC's Economic Impact Analysis and the guidelines attached to Brevard County Ordinance No. 96-41.

Should you have any questions, please feel free to contact me.

Sincerely,


Gregory J. Weiner
Senior Director, Business Development

Walmart Ad Valorem Tax Abatement Executive Summary

Walmart helps people around the world save money and live better - anytime and anywhere -- in retail stores, online, and through their mobile devices. Each week, more than 250 million customers and members visit our 11,500 stores in 28 countries and e-commerce sites in 11 countries. Walmart employs more than 2.2 million associates worldwide with 1.4 million in the U.S. Walmart continues to be a leader in sustainability, corporate philanthropy and employment opportunity. Additional information about Walmart can be found by visiting <http://corporate.walmart.com>.

The Port Canaveral Logistics Park located in the City of Cocoa, Brevard County, was selected out of a pool of other potential sites throughout Florida and South Georgia due to its skilled labor pool, central location, and access to a growing market.

Walmart is reviewing the feasibility of the construction of approximately 460,000+/- sq. ft. refrigerated warehouse and distribution facility at the southeast corner of Interstate 95 and SR 524 on an approximate 132-acre site located within the Port Canaveral Logistics Park. The Company could potentially employ 100 employees within 12 months, increasing to 239 within 3 years. The Company could invest \$84.2 in building construction costs and invest at least \$12M+ in new equipment.

The Company has existing distribution facilities in 6 locations throughout Florida. The Ad Valorem Tax Abatement program would be of great benefit due to three significant financial issues-

1. Inbound logistics costs for product movements.
2. Very expensive site development costs (estimated \$28M) due to wetlands and subsurface soil conditions.
3. Significant costs from all required offsite road improvements.

Wal-Mart Stores East, LP
Brevard County, FL
04/20/16

Overview:

New Job Commitment:	239	Capital Investment:	\$96,200,000
Average Annual Wage:	\$42,421		

Economic impact from job creation:

<u>Jobs</u>	<u>Net New Wage</u>	<u>Contribution to GDP</u>
239 (Direct)	\$10,138,619 (Direct)	\$10,284,977 (Direct)
57 (Indirect)	\$2,285,175 (Indirect)	\$3,755,294 (Indirect)
66 (Induced)	\$2,413,520 (Induced)	\$4,501,176 (Induced)
362 TOTAL	\$14,837,315 TOTAL	\$18,541,447 TOTAL

- For every employment position created by Wal-Mart Stores East, LP approximately 0.51 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Wal-Mart Stores East, LP approximately \$0.46 will be generated for consumer spending.

County Tax Impact

Years 1-10	Annual Taxes on Construction	
Projected Tax Assessed	\$	923,276.58
Potential Abatement (at 100%)	\$	403,291.06
Net New Revenue to County	\$	519,985.52
	Annual Taxes on Personal Property	
Projected Tax Assessed	\$	131,583.36
Potential Abatement (at 100%)	\$	57,476.16
Net New Revenue to County	\$	74,107.20
Total New Revenue to County	\$	594,092.72

Years 11+ : Company will be assessed for 100% of tax liability

Tax Millage Code – 13D0 NAICS – 541614 IMPLAN Sector – 454

Analysis based on information supplied by Wal-Mart Stores East, LP - April 2016

Economic impact calculations furnished by EDC Research Office, using IMPLAN Professional 3.1 (www.IMPLAN.com).

Abatement & millage numbers are estimates; all final numbers determined solely by the Brevard County Property Appraiser's Office.

SUPPLEMENTAL APPLICATION

**BREVARD COUNTY ECONOMIC DEVELOPMENT
AD VALOREM TAX EXEMPTION PROGRAM**

APPLICANT NAME Wai-Mart Stores East LP

NOTICE: This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Abatement Ordinance, Chapter 102, Division 3, Sections 181-191, Brevard County Code; and to provide other information requested by the Board of County Commissioners and the entities who will review the application.

Any business seeking an exemption shall file an application with the County before the business has made the decision to locate a new business in the County or before the business has made the decision to expand an existing in the County. Any business decisions, such as announcements, leasing of space or hiring of employees, made prior to final County Economic Development Tax Abatement approval (and not made contingent upon County approval) may constitute grounds for disapproval. Projects, which clearly do not require inducement, will not be approved.

- 1 Length of exemption requested is total of 10 years (length of exemption approved is sole discretion of County Commission and commences on the adoption date of the ordinance granting the exemption)
- 2 **Property Owner Name** Wai-Mart Stores East LP
Address 702 S W 8th Street, Bentonville AR 72716
Telephone No (479) 273-4000 FAX No ()
- 3 **Authorized Agent** J. M. Mullis, Inc.
Address 3753 Tyndale Dr., Ste 101, Memphis, TN 38125
Telephone Number (901-734-6994 (Mullis)) No (407-920-4626 (Denise Mott)
- 4 Type of industry or business Refrigerated warehouse and distribution
- 5 Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan)
EXECUTIVE SUMMARY ATTACHED
- 6 Anticipated number of new employees (The applicant is to provide a breakdown of jobs to be created by category and planned salary to be paid by position) 239 (BREAKDOWN ATTACHED)
- 7 Percent Increase in overall employment N/A
- 8 Expected number of new employees who will reside in Brevard County 100%
- 9 Percentage of existing employees who have resided in the County for more than two years N/A
- 10 Anticipated average wage of employees \$42,421/YR
- 11 Anticipated average annual payroll: \$10M
- 12 Anticipated new capital investment as a result of expansion or relocation of business
New construction value \$84,200,000
New personal property value \$12,000,000
- 13 Environmental impact of business (Identify the number and type of environmental permits required as a result of this project e.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater, provide a brief narrative statement of the company's environmental impacts)

A portion of the subject property is proposed to be developed into a perishable distribution center. The Company will develop in accordance with applicable regulations. As such, the Company will be applying for permits through City, County, State, and US government agencies. Applications will be submitted for water and sewer permits through FDEP, a state Environmental Resource Permit through SJRWMD, a dewatering permit through SJRWMD, and a 404 permit through the US Army Corps of Engineers.
- 14 Anticipated volume of business or production N/A
- 15 The relocation or expansion would not occur without the exemption. Yes [X] No []
- 16 Source of supplies (local or otherwise)
% source of supplies County TBD
% source of supplies Florida TBD
% source of supplies out-of-state TBD
- 17 Business is/will be located in a community redevelopment area. Yes [] No [X]
Name of area _____

SIGNATURES

I hereby confirm the information provided by Wai-Mart Stores East LP to the Economic Development Commission of Florida's Space Coast and the Board of County Commissioners for the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that Wai-Mart Stores East LP is not in violation of any federal, state or local law, or regulation governing environmental matters. I hereby acknowledge and agree upon approval of the Economic Development Ad Valorem Tax Abatement Ordinance by the Brevard County Board of County Commissioners that Wai-Mart Stores East LP will provide the Brevard Workforce its job openings to be posted on www.employflorida.com and agrees to consider for employment candidates referred by Brevard Workforce

DATE 4/18/2016
SIGNED [Signature]
TITLE Vice President - Real Estate

SIGNED _____

(Preparer)
(Preparer's Address)
(Preparer's Telephone Number)

ECONOMIC DEVELOPMENT COMMISSION (EDC) USE ONLY

EDC Economic Impact Analysis

EDC's Recommendation

The Economic Development Commission of Florida's Space Coast hereby certifies that it has proof, to the satisfaction of the EDC, that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Section 184 Chapter 102, Brevard County Code. Furthermore, the EDC has conducted an economic impact analysis, applying acceptable multipliers as defined by the State Department of Commerce, which concludes that the applicant does hereby meet the economic benefit test and, therefore, the EDC recommends to the Brevard County Commission that the applicant receive an ad valorem tax exemption for 80 percent of its eligible taxes and for a period of 8 years.

DATE 5-12-2016 SIGNED [Signature]
(EDC President)

COUNTY USE ONLY

County Manager's Recommendation

DATE _____ SIGNED _____
(County Manager)

10. a. Number of full time employees employed in Florida: _____

(DR 418)

b. If an expansion of an existing business:

(1) Net Increase in employment _____ or _____ %
(2) Increase in productive output resulting from this expansion _____ %

11. Sales factor for the facility requesting exemption:

Total sales in Florida from this facility - one (1) location only _____ divided by
Total sales everywhere from this facility - one (1) location only _____ = _____

12. For office space owned and used by a corporation newly domiciled in Florida: Not yet incorporated

a. Date of incorporation in Florida _____
b. Number of full-time employees at this location _____

13. If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the County Commission, City Commission, or Property Appraiser.

I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)

DATE: _____

Signed: _____
(Preparer)

SIGNED: _____
(Taxpayer)

(Preparer's Address)

TITLE: _____

(Preparer's Telephone Number)

PROPERTY APPRAISER'S USE ONLY

I. Total revenue available to the County or municipality for the current fiscal year from ad valorem tax sources: 201,341,291.88

II. Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 116,478.02

III. Estimate of the revenue which will be lost to the County during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation: 493,167.43

IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted:
Improvements to real property 11,570,000 Personal Property 10,800,000

V. I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a New Business [, an Expansion of an Existing Business [, or Neither [].

VI. Last year for which exemption may be applied: Dependent upon the number of years granted by the County Commission.

DATE: 5-10-16

SIGNED: [Signature]
(Property Appraiser)

RETURN TO BE FILED NOT LATER THAN MARCH 1



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: B.O.C.C. COUNTY MANAGER'S OFF
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0001253385
Pymt Method Invoice
Net Amt: \$114.66

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/05/16

Text of Ad:

AD#1253385 5/5/2016
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on May 17, 2016 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.: 2016-
AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(8) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; 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 hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the Administrative Services Office, Telephone Number: (321)633-2001
A copy of the ordinance may be inspected at: www.brevardcounty.us/business/publichearings
Brevard County Government Center, Building C County Managers Office
By order of the Board of County Commissioners of Brevard County, Florida

ORDINANCE NO. 2016-_____

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP. SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Wal-Mart Stores East, LP, has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at SE Corner of I95 and SR 524, Port Canaveral Logistics Park.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Wal-Mart Stores East, LP, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(16) F.S.; and

WHEREAS, it has been determined that Wal-Mart Stores East, LP, meets the requirements of Chapter 196.012(14) or (15) F.S., for new business or an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation", of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2__ as follows:

(a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Wal-Mart Stores East, LP (hereafter referred to as "the Company"), for:

1. 80 percent a) of the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser for the first year after substantial completion of those improvements; and b) of the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
2. 80 percent a) of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business in the first year of

assessment after substantial completion of those improvements (not to exceed the amount identified in the Company's application for exemption) and b) of the assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).

- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$ 201,341,291.88; \$166,478.02 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of eight (8) years commencing with the first year the new or expanded facility and tangible personal property are added to the assessment roll.
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- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the eight (8) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of section 196.012(14) or (15), Florida Statutes, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.
- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) If, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of section 196.012 (14) or (15), F.S., which ever was applicable to the exemption granted by this ordinance.

Section 2. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 3. Effective Date - 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.

DONE, ORDERED AND ADOPTED in Regular Session this 17 day of May, 2016

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on 5-17-16

Meeting Date
May 17, 2016



Replacement	
AGENDA	
Section	Public Hearing
Item No.	IV.E

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Economic Development Tax Exemption Ordinance Re: Wal-Mart Stores East, LP
DEPT/OFFICE:	Management & Community Services Group / County Manager's Office/

Requested Action:
 It is requested that the Board of County Commissioners consider adopting an Economic Development Ad Valorem Exemption Ordinance for Wal-Mart Stores East, LP

Summary Explanation & Background:
 Wal-Mart Stores East, LP is considering developing a 460,000+ SF refrigerated warehouse and distribution facility in Cocoa, Fl. The company plans to create 239 new jobs over 3 years with an average wage of \$42,421 and invest \$96,200,000 in new capital expenditures. The proposed job creation timeline for the project is as follows:

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89	12/31/2020

Total 239

Wal-Mart Stores East, LP meets the eligibility criteria as defined by Florida Statutes under Chapter 196.012(15) (a) 1. As a new business in Brevard County.

“A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any one or more of the following operations: manufacturers, processes, compounds, fabricates or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant”.

The EDC has made a recommendation Wal-Mart Stores East, LP be provided an abatement of 80% for eight (8) years. The Property Appraiser has conducted an analysis of the tax abatement application and estimates that at 80% the amount of the annual tax abatement will be approximately \$8,237,000.

Fiscal Impact: 2016-2017 No fiscal impact

Fiscal Impact: 2017-2018 Fiscal Impact until company moves into and builds out facility

Clerk to the Board instruction:
 Exhibits Attached: Ordinance, legal ad, Executive Summary, application, Economic Impact Analysis

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					

Meeting Date
May 17, 2016



AGENDA	
Section	Public Hearing
Item No.	IV.E

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Economic Development Tax Exemption Ordinance Re: Wal-Mart Stores East, LP
DEPT/OFFICE:	Management & Community Services Group / County Manager's Office/

Requested Action:
 It is requested that the Board of County Commissioners consider adopting an Economic Development Ad Valorem Exemption Ordinance for Wal-Mart Stores East, LP

Summary Explanation & Background:
 Wal-Mart Stores East, LP is considering developing a 460,000+ SF refrigerated warehouse and distribution facility in Cocoa, Fl. The company plans to create 239 new jobs over 3 years with an average wage of \$42,421 and invest \$96,200,000 in new capital expenditures. The proposed job creation timeline for the project is as follows:

# New Jobs	Dates
100	12/31/2018
50	12/31/2019
89	12/31/2020

Total 239


Wal-Mart Stores East, LP meets the eligibility criteria as defined by Florida Statutes under Chapter 196.012(15) (a) 1. As a new business in Brevard County.

"A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any one or more of the following operations: manufacturers, processes, compounds, fabricates or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant".

The EDC has made a recommendation Wal-Mart Stores East, LP be provided an abatement of 80% for eight (8) years. The Property Appraiser has conducted an analysis of the tax abatement application and it is estimated that at 80% the amount of the annual tax abatement will be approximately \$374,799.61 and the total Tax Abatement for a period of 8 years is \$2,998,397.

Fiscal Impact: 2016-2017 No fiscal impact
Fiscal Impact: 2017-2018 Fiscal Impact until company moves into and builds out facility

Clerk to the Board instruction:
 Exhibits Attached: Ordinance, legal ad, Executive Summary, application, Economic Impact Analysis

Contract /Agreement (If attached): Attorney 	Reviewed by County	Yes <input type="checkbox"/>	No <input type="checkbox"/>	PR <input type="checkbox"/>
	County Manager Stockton Whitten	Assistant County Manager Assistant County Manager	Department Director / Extension	



May 5, 2016

Mr. Stockton Whitten
County Manager
Brevard County
2725 Judge Fran Jamieson Way, Building C
Viera, FL 32940 USA

Dear Mr. Whitten:

The Ad Valorem Tax Abatement Council convened May 5, 2016 to review an application submitted by Wal-Mart Stores East, LP.

The following Council members were in attendance: Judy Blanchard, Career Source Brevard; Melissa Byron, City of Cocoa Beach; Chris Campanaro, JP Morgan Chase Bank, N.A.; Doug Dombroski, City of Melbourne; Stephanie Eley, City of West Melbourne; Robbie Fritz, HUB International Florida; Neal Johnson, EverBank; Joan Junkala, City of Cocoa; Brian Lightle, Lightle Beckner Robinson Inc; Todd Morley, City of Cape Canaveral; Jennifer Rogers, BRPH; Gilbert Russell, Seacoast Bank; Julie Song, FL Business & Manufacturing Solutions, Inc.

Guest(s): Dave Berman, Florida Today

EDC staff members in attendance included: Greg Weiner, Senior Director Business Development; Julie Roslin, Manager, Business Development; Cammie Goode, Business Development Specialist.

Wal-Mart Stores East, LP plans to create 239 new jobs over 3 years, with an average wage of \$42,421 and a total capital investment of \$96,200,000.

# of New Jobs	Date jobs will be created
100	12/31/2018
50	12/31/2019
89	12/31/2020
TOTAL	239

The Ad Valorem Tax Abatement Council made the recommendation of 80 percent abatement for 8 years for Wal-Mart Stores East, LP.

The Council consulted the EDC's Economic Impact Analysis and the guidelines attached to Brevard County Ordinance No. 96-41.

Should you have any questions, please feel free to contact me.

Sincerely,


Gregory J. Weiner
Senior Director, Business Development

Walmart Ad Valorem Tax Abatement Executive Summary

Walmart helps people around the world save money and live better -- anytime and anywhere -- in retail stores, online, and through their mobile devices. Each week, more than 250 million customers and members visit our 11,500 stores in 28 countries and e-commerce sites in 11 countries. Walmart employs more than 2.2 million associates worldwide with 1.4 million in the U.S. Walmart continues to be a leader in sustainability, corporate philanthropy and employment opportunity. Additional information about Walmart can be found by visiting <http://corporate.walmart.com>.

The Port Canaveral Logistics Park located in the City of Cocoa, Brevard County, was selected out of a pool of other potential sites throughout Florida and South Georgia due to its skilled labor pool, central location, and access to a growing market.

Walmart is reviewing the feasibility of the construction of approximately 460,000+ sq. ft. refrigerated warehouse and distribution facility at the southeast corner of Interstate 95 and SR 524 on an approximate 132-acre site located within the Port Canaveral Logistics Park. The Company could potentially employ 100 employees within 12 months, increasing to 239 within 3 years. The Company could invest \$84.2 in building construction costs and invest at least \$12M+ in new equipment.

The Company has existing distribution facilities in 6 locations throughout Florida. The Ad Valorem Tax Abatement program would be of great benefit due to three significant financial issues-

1. Inbound logistics costs for product movements.
2. Very expensive site development costs (estimated \$28M) due to wetlands and subsurface soil conditions.
3. Significant costs from all required off-site road improvements.

Wal-Mart Stores East, LP

Brevard County, FL

04/20/16

Overview:

New Job Commitment:	239	Capital Investment:	\$96,200,000
Average Annual Wage:	\$42,421		

Economic impact from job creation:

<u>Jobs</u>	<u>Net New Wage</u>	<u>Contribution to GDP</u>
239 (Direct)	\$10,138,619 (Direct)	\$10,284,977 (Direct)
57 (Indirect)	\$2,285,175 (Indirect)	\$3,755,294 (Indirect)
66 (Induced)	\$2,413,520 (Induced)	\$4,501,176 (Induced)
362 TOTAL	\$14,837,315 TOTAL	\$18,541,447 TOTAL

- For every employment position created by Wal-Mart Stores East, LP approximately 0.51 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Wal-Mart Stores East, LP approximately \$0.46 will be generated for consumer spending.

County Tax Impact

Years 1-10	Annual Taxes on Construction	
Projected Tax Assessed	\$	923,276.58
Potential Abatement (at 100%)	\$	403,291.06
Net New Revenue to County	\$	519,985.52
	Annual Taxes on Personal Property	
Projected Tax Assessed	\$	131,583.36
Potential Abatement (at 100%)	\$	57,476.16
Net New Revenue to County	\$	74,107.20
Total New Revenue to County	\$	594,092.72

Years 11+ : Company will be assessed for 100% of tax liability

Tax Millage Code – 13D0 NAICS – 541614 IMPLAN Sector – 454

Analysis based on information supplied by Wal-Mart Stores East, LP - April 2016

Economic impact calculations furnished by EDC Research Office, using IMPLAN Professional 3.1 (www.IMPLAN.com).

Abatement & millage numbers are estimates; all final numbers determined solely by the Brevard County Property Appraiser's Office.

SUPPLEMENTAL APPLICATION

BREVARD COUNTY ECONOMIC DEVELOPMENT
AD VALOREM TAX EXEMPTION PROGRAM

APPLICANT NAME Wai-Mart Stores East LP

NOTICE This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Abatement Ordinance, Chapter 102, Division 3, Sections 181-191, Brevard County Code; and to provide other information requested by the Board of County Commissioners and the entities who will review the application.

Any business seeking an exemption shall file an application with the County before the business has made the decision to locate a new business in the County or before the business has made the decision to expand an existing in the County. Any business decisions, such as announcements, leasing of space or hiring of employees, made prior to final County Economic Development Tax Abatement approval (and not made contingent upon County approval) may constitute grounds for disapproval. Projects which clearly do not require intucement, will not be approved.

1 Length of exemption requested is total of 10 years (length of exemption approved is sole discretion of County Commission and commences on the adoption date of the ordinance granting the exemption)

2 Property Owner Name Wai-Mart Stores East LP

Address 702 S W 8th Street, Bentonville, AR 72716

Telephone No. (479) 272-4000 FAX No. ()

3 Authorized Agent J. M. Mullis, Inc.

Address 3753 Tyndale Dr., Ste 101, Memphis, TN 38125

Telephone Number (901) 734-6994 (Mullis) No. (407) 920-4626 (Denise Mott)

4 Type of industry or business Refrigerated warehouse and distribution

5 Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan):
EXECUTIVE SUMMARY ATTACHED

6 Anticipated number of new employees (The applicant is to provide a breakdown of jobs to be created by category and planned salary to be paid by position): 239 (BREAKDOWN ATTACHED)

7 Percent Increase in overall employment: N/A

8 Expected number of new employees who will reside in Brevard County: 100%

9 Percentage of existing employees who have resided in the County for more than two years: N/A

10 Anticipated average wage of employees: \$42,421/YR

11 Anticipated average annual payroll: \$10M

12 Anticipated new capital investment as a result of expansion or relocation of business:

New construction value: \$84,200,000
New personal property value: \$12,900,000

13 Environmental impact of business (Identify the number and type of environmental permits required as a result of this project. E.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater; provide a brief narrative statement of the company's environmental impacts):

A portion of the subject property is proposed to be developed into a perishable distribution center. The Company will develop in accordance with applicable regulations. As such, the Company will be applying for permits through City, County, State, and US government agencies. Applications will be submitted for water and sewer permits through FDEP, a state Environmental Resource Permit through SJRWMD, a dewatering permit through SJRWMD, and a 404 permit through the US Army Corps of Engineers.

14 Anticipated volume of business or production: N/A

15 The relocation or expansion would not occur without the exemption: Yes [X] No []

16 Source of supplies (local or otherwise):

% source of supplies County: TBD
% source of supplies Florida: TBD
% source of supplies out-of-state: TBD

17 Business is/will be located in a community redevelopment area: Yes [] No [X]

Name of area: _____

W.E
7.

SIGNATURES

I hereby confirm the information provided by Walmart Stores East LP to the Economic Development Commission of Florida's Space Coast and the Board of County Commissioners for the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that Walmart Stores East LP is not in violation of any federal, state or local law or regulation governing environmental matters. I hereby acknowledge and agree upon approval of the Economic Development Ad Valorem Tax Abatement Ordinance by the Brevard County Board of County Commissioners that Walmart Stores East LP will provide the Brevard Workforce its job openings to be posted on www.employmentflorida.com and agrees to consider for employment candidates referred by Brevard Workforce.

DATE 4/18/2016
SIGNED [Signature]
TITLE Vice President - Real Estate

SIGNED _____

(Preparer's Address)
(Preparer's Telephone Number)

ECONOMIC DEVELOPMENT COMMISSION (EDC) USE ONLY

EDC Economic Impact Analysis

EDC's Recommendation

The Economic Development Commission of Florida's Space Coast hereby certifies that it has proof to the satisfaction of the EDC that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Section 184 Chapter 102 Brevard County Code. Furthermore the EDC has conducted an economic impact analysis applying acceptable multipliers as defined by the State Department of Commerce which concludes that the applicant does hereby meet the economic benefit test and therefore the EDC recommends to the Brevard County Commission that the applicant receive an ad valorem tax exemption for 80 percent of its eligible taxes and for a period of 8 years.

DATE 5-12-2016 SIGNED [Signature]

(EDC President)

COUNTY USE ONLY

County Manager's Recommendation

DATE 5/17/16 SIGNED _____

(County Manager)
STOCKTON WHITTEN

10. a. Number of full time employees employed in Florida: _____

(DR 418)

b. If an expansion of an existing business:

(1) Net Increase in employment _____ or _____ %
(2) Increase in productive output resulting from this expansion _____ %

11. Sales factor for the facility requesting exemption:

Total sales in Florida from this facility - one (1) location only _____ divided by
Total sales everywhere from this facility - one (1) location only _____ = _____

12. For office space owned and used by a corporation newly domiciled in Florida: Not yet incorporated

a. Date of incorporation in Florida _____
b. Number of full-time employees at this location _____

13. If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the County Commission, City Commission, or Property Appraiser.

I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)

DATE: _____

Signed: _____
(Preparer)

SIGNED: _____
(Taxpayer)

(Preparer's Address)

TITLE: _____

(Preparer's Telephone Number)

PROPERTY APPRAISER'S USE ONLY

I. Total revenue available to the County or municipality for the current fiscal year from ad valorem tax sources: 201,341,291.88

II. Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 166,478.02

III. Estimate of the revenue which will be lost to the County during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation: 493,167.43

IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted:
Improvements to real property 91,570,000 Personal Property 16,860,000

V. I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a New Business [, an Expansion of an Existing Business [, or Neither [].

VI. Last year for which exemption may be applied: Dependent upon the number of years granted by the County Commission.

DATE: 5-10-16

SIGNED: [Signature]
(Property Appraiser)

RETURN TO BE FILED NOT LATER THAN MARCH 1

ORDINANCE NO. 2016-_____

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP. SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Wal-Mart Stores East, LP, has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at SE Corner of I95 and SR 524, Port Canaveral Logistics Park.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Wal-Mart Stores East, LP, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(16) F.S.; and

WHEREAS, it has been determined that Wal-Mart Stores East, LP, meets the requirements of Chapter 196.012(14) or (15) F.S., for new business or an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation", of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2__ as follows:

(a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Wal-Mart Stores East, LP (hereafter referred to as "the Company"), for:

1. 80 percent a) of the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser for the first year after substantial completion of those improvements; and b) of the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
2. 80 percent a) of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business in the first year of

assessment after substantial completion of those improvements (not to exceed the amount identified in the Company's application for exemption) and b) of the assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).

- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$ 201,341,291.88; \$166,478.02 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of eight (8) years commencing with the first year the new or expanded facility and tangible personal property are added to the assessment roll.
- (d) In accordance with the findings of the Board of County Commissioners and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of either a new business or expansion of an existing business, as defined by Chapter 196.0125(14) or (15), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the eight (8) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of section 196.012(14) or (15), Florida Statutes, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.
- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) If, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of section 196.012 (14) or (15), F.S., which ever was applicable to the exemption granted by this ordinance.

Section 2. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

11.5
11

Section 3. Effective Date - 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.

DONE, ORDERED AND ADOPTED in Regular Session this 17 day of May, 2016

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on 5-17-16

ORDINANCE NO. 2016-06

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP. SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Wal-Mart Stores East, LP, has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at SE Corner of I95 and SR 524, Port Canaveral Logistics Park.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Wal-Mart Stores East, LP, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(16) F.S.; and

WHEREAS, it has been determined that Wal-Mart Stores East, LP, meets the requirements of Chapter 196.012(14) or (15) F.S., for new business or an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation", of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2__ as follows:

(a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Wal-Mart Stores East, LP (hereafter referred to as "the Company"), for:

1. 80% percent of the total of a) the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser; plus b) the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
2. 80% percent the total of a) the assessed value of all added improvements to real property made to facilitate the expansion of an existing business (not to exceed the amount identified in the Company's application for exemption) plus b) the

assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).

- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$ 201,341,291.88; \$ 166,478.02 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of ten (10) years commencing in the first year that any new or expanded facility and tangible personal property is added to the assessment roll and ending ten (10) years after that commencement date.
- (d) In accordance with the findings of the Board of County Commissioners and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of either a new business or expansion of an existing business, as defined by Chapter 196.0125(14) or (15), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the ten (10) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of section 196.012(14) or (15), Florida Statutes, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.
- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) If, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of section 196.012 (14) or (15), F.S., which ever was applicable to the exemption granted by this ordinance.

Section 2. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 3. Effective Date - 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.

DONE, ORDERED AND ADOPTED in Regular Session this 17th day of May, 2016

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis

Scott Ellis, Clerk

By: *Jim Farfield*

Jim Farfield, Chairman

As approved by the Board on 5/17/2016

ORDINANCE NO. 2016- 06

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO WAL-MART STORES EAST, LP, SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; WAL-MART STORES EAST, LP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Wal-Mart Stores East, LP, has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at SE Corner of I95 and SR 524, Port Canaveral Logistics Park.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Wal-Mart Stores East, LP, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(16) F.S.; and

WHEREAS, it has been determined that Wal-Mart Stores East, LP, meets the requirements of Chapter 196.012(14) or (15) F.S., for new business or an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation", of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2__ as follows:

(a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Wal-Mart Stores East, LP (hereafter referred to as "the Company"), for:

1. 80% percent of the total of a) the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser; plus b) the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
2. 80% percent the total of a) the assessed value of all added improvements to real property made to facilitate the expansion of an existing business (not to exceed the amount identified in the Company's application for exemption) plus b) the

assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).

- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$ 201,341,291.88; \$ 166,478.02 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of ten (10) years commencing in the first year that any new or expanded facility and tangible personal property is added to the assessment roll and ending ten (10) years after that commencement date.
- (d) In accordance with the findings of the Board of County Commissioners and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of either a new business or expansion of an existing business, as defined by Chapter 196.0125(14) or (15), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the ten (10) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of section 196.012(14) or (15), Florida Statutes, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.
- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) If, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of section 196.012 (14) or (15), F.S., which ever was applicable to the exemption granted by this ordinance.

Section 2. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 3. Effective Date - 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.

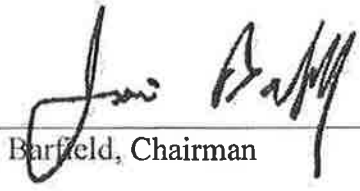
DONE, ORDERED AND ADOPTED in Regular Session this 17th day of May, 2016

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:  _____
Jim Barfield, Chairman

As approved by the Board on 5/17/2016