



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.9.

4/6/2021

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### Subject:

Request permission to advertise the Public Hearing to Consider Adoption of an Economic Development Ad Valorem Tax Exemption Ordinance for the Relocation of Dark Storm Industries, LLC to Brevard County from April 6, 2021 to April 20, 2021.

### Fiscal Impact:

There will be no additional fiscal impact on the County's budget in FY 2020-2021 to make this requested change in the public hearing date.

### Dept/Office:

County Manager

### Requested Action:

It is requested that the Board of County Commissioners approve advertisement of a public hearing for April 20, 2021 for the Board's consideration of an Economic Development Ad Valorem Tax Exemption Ordinance for Dark Storm Industries, LLC.

### Summary Explanation and Background:

On March 23, 2021, the Board approved advertising a public hearing for April 6, 2021 to consider adoption an Economic Development Ad Valorem Tax Exemption Ordinance for Dark Storm Industries, LLC. However, the Economic Development Commission of Florida Space Coast's Ad Valorem Tax Abatement Council (the Council) could not review Dark Storm Industries, LLC's application for an Economic Development Ad Valorem Exemption until April 5, 2021. Because, this would not give the Council enough time to make a timely recommendation to the Board for their April 6, 2021 Board meeting, staff is recommending moving the Public Hearing to the Board's April 20, 2021 meeting.

### Clerk to the Board Instructions:



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

April 7, 2021

**MEMORANDUM**

**TO:** Frank Abbate, County Manager

**RE:** Item F.9., Permission to Advertise the Public Hearing to Consider Adoption of an Economic Development Ad Valorem Tax Exemption Ordinance for the Relocation of Dark Storm Industries, LLC to Brevard County from April 6, 2021, to April 20, 2021

The Board of County Commissioners, in regular session on April 6, 2021, approved advertisement of a public hearing for April 20, 2021, for the Board's consideration of an Economic Development Ad Valorem Tax Exemption Ordinance for Dark Storm Industries, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".  
Kimberly Powell, Clerk to the Board

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**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO DARK STORM INDUSTRIES, LLC; SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF SECTION 196.1995, FLORIDA STATUTES; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION FOR DARK STORM INDUSTRIES, LLC; 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, Dark Storm Industries, LLC has requested that the Board of County Commissioners exempt ad valorem taxes for real and tangible personal property added to Brevard County tax rolls at a parcel of land lying in Section 4, Township 23 South, Range 35 East and being a part of parcel "D" as shown on the plat of Enterprise Park as recorded in plat book 32, page 74 of public records of Brevard County, Florida; and

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Dark Storm Industries, LLC; and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Section 196.1995(9), Florida Statutes; and

WHEREAS, it has been determined that Dark Storm Industries, LLC, meets the requirements of Section 196.012(14), Florida Statutes for a new 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 Dark Storm Industries, LLC (hereafter referred to as "the Company"), for:

1. \_\_ 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. \_\_\_\_ 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 \$ \_\_\_\_; \$ \_\_\_\_ 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 \_\_\_\_ ( ) year(s) 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 an expansion of an existing business, as defined by Section 196.012(14), 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 a new business by creating and/or maintaining the anticipated jobs in the supplemental application for Brevard County's economic development ad valorem tax exemption program for each of the \_\_\_\_ ( ) year(s) 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), Florida Statutes, or is not meeting the anticipated job creation goals in the supplemental application for Brevard County's economic development ad valorem tax exemption program, 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), Florida Statutes.

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 \_\_\_\_ day of \_\_\_\_\_, 2021

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel Sadoff, Clerk

By: \_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on \_\_\_\_\_