

AGENDA	
Section	Unfinished Business
Item No.	V.B.



Meeting Date
March 7, 2017

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

SUBJECT:	Economic Development Tax Exemption Ordinance for Erchonia Corporation
DEPT/OFFICE:	County Manager's Office/ County Attorney'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 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 PB 43 PG 28 Lot 31 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, 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.

**EDC Contact:** Jennifer Hashagen, 321-638-2000  
 Clerk to the Board Instructions:

Exhibits Attached: Amended Ordinance

<b>Contract /Agreement (If attached):</b> Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager				Department Director / Extension Economic Development Commission of Florida's Space Coast		
Stockton Whitten	Assistant County Manager				Scott Knox, County Attorney/52090		



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 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:

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on **March 21, 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 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.scgtv.org>.