



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

9/15/2020

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### Subject:

Public Hearing Re: Funding for Sea Ray Drive Bridge over Sykes Creek using 20 percent, up to \$275,000, of the Merritt Island Redevelopment Agency's general fund tax increment funds.

### Fiscal Impact:

The Board approved the funding on 12/10/2019; there is no new Fiscal Impact in approving the ordinance.

### Dept/Office:

Public Works/Finance and Contracts Administration

### Requested Action:

It is requested the Board of County Commissioners adopt an ordinance reducing the general fund tax increment financing funds provided to the Merritt Island Redevelopment Agency by 20 percent, up to \$275,000, per year for the next ten years; beginning in FY 2020-2021 and ending in FY 2029-2030. It is further requested the Board approve any Budget Change Requests associated with this action.

### Summary Explanation and Background:

On December 10, 2019, the Board discussed plans to repair or replace the Sea Ray Drive Bridge over Sykes Creek. It was determined that a viable funding source for such a project would be the general fund tax increment financing funds provided by the County to Merritt Island Redevelopment Agency (MIRA). Currently, MIRA receives 95 percent of the ad valorem taxes generated as a result of increases in the property values (tax increment) within the redevelopment area. The Board voted to reduce the general fund tax increment financing funds to MIRA by 20 percent, up to \$275,000, per year for the next ten years. Pursuant to Section 163.387, F.S., an ordinance is needed in order for the County to reduce the percentage of tax increment funds for MIRA. The County Attorney's Office reviewed the ordinance for legal form and content. On August 27, 2020, the Notice of Public Hearing was published in Florida Today.

The ordinance in substantial form was unanimously approved by MIRA on January 30, 2020.

### Clerk to the Board Instructions:

Please return the ordinance to the Public Works Department with copies to MIRA, County Attorney's Office, and the Budget Office.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 17, 2020

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

Attention: Deborah Thomas

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. 2020-15, which was filed in this office on September 17, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



September 16, 2020

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

**RE:** Item H.2., Public Hearing for Funding for Sea Ray Drive Bridge over Sykes Creek using 20 Percent, up to \$275,000, of Merritt Island Redevelopment Agency's (MIRA) General Fund Tax Increment Funds (TIF)

The Board of County Commissioners, in regular session on September 15, 2020, executed and adopted Ordinance No. 20-15, reducing the General Fund TIF financing provided to MIRA by 20 percent, up to \$275,000, per year for the next ten years, beginning in FY 2020-2021 and ending in FY 2029-2030; and approved any Budget Change Requests associated with this action. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Contracts Administration  
County Attorney  
Finance  
Budget  
MIRA

**ORDINANCE NO. 2020- 15**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, RELATING TO THE ADMINISTRATION OF THE MERRITT ISLAND REDEVELOPMENT TRUST FUND FOR THE MERRITT ISLAND REDEVELOPMENT AGENCY; REDUCING THE AMOUNT OF GENERAL FUND TAX INCREMENT FUNDS BY TWENTY (20) PERCENT, UP TO \$275,000 PER YEAR, FOR EACH OF THE NEXT TEN (10) YEARS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Merritt Island Redevelopment Agency, hereinafter "MIRA," currently receives 95 percent of the difference between the amount of ad valorem taxes levied each year by Brevard County, exclusive of any amount from any debt service millage, on taxable real property contained within its geographic boundaries, and the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for Brevard County, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in its geographic area as shown upon the most recent assessment roll used in connection with the taxation of such property prior to the effective date of the ordinance providing for the funding of the trust fund; and

**WHEREAS**, in 2019, the Florida Legislature made changes to Section 163.387, Florida Statutes, whereby counties with a community redevelopment agency could alter the level of tax increment funds directed to the redevelopment agency's trust fund; and

**WHEREAS**, on December 10, 2019, the Board of County Commissioners discussed possible funding sources to repair and/or replace the Sea Ray Drive Bridge over Sykes Creek; and

**WHEREAS**, the Board of County Commissioners has determined that the best course of action to help pay for the Sea Ray Drive Bridge Project is to reduce MIRA's general fund tax increment financing funds from Brevard County by twenty percent (20%), up to an amount not to exceed \$275,000.00, for each year over the next ten (10) years; and

**WHEREAS**, the Board has determined that it is in the best interest of the residents of Brevard County that these funds be used to help ensure economic development continues in the Merritt Island Redevelopment Area; and

**WHEREAS**, the Board finds that it serves the public health, safety, and welfare of the residents of Brevard County to carry out the Sea Ray Drive Bridge Project in order to further remove slum and blighted areas from Merritt Island.

Officially filed with the Secretary of State on September 17, 2020.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Brevard County, Florida, as follows:

**Section 1.** The foregoing recitals are hereby incorporated as part of this Ordinance.

**Section 2.** The Community Redevelopment Trust Fund for the Merritt Island Redevelopment Agency, hereinafter referred to as the "MIRA Trust Fund," shall continue to be utilized and expended for purposes of and in accordance with the Merritt Island Redevelopment Plan, which may be amended from time to time with approval by the Board of County Commissioners.

**Section 3.** The funds to be allocated to and deposited into the MIRA Trust Fund are appropriated to the Merritt Island Redevelopment Agency, hereinafter referred to as "MIRA," to finance projects within the MIRA Redevelopment Area as defined within the MIRA Redevelopment Plan. MIRA shall utilize the funds and revenues paid into and earned by the MIRA Trust Fund for the purposes outlined in the MIRA Redevelopment Plan.

**Section 4.** There shall be paid from the general fund tax increment financing fund at a decreased rate of 20% from the previous year's incremental increase in the income, proceeds, revenues and funds, as calculated in accordance with Section 163.387(1), Florida Statutes, and Section 5 of this Ordinance, based on the established base tax years for each respective area within the MIRA Redevelopment Area. This decreased rate shall be in effect for the next ten (10) years.

**Section 5.** The tax increment shall be determined and appropriated annually, and shall be that amount equal to a twenty percent (20%) reduction of ninety-five percent (95%) of the difference between:

- a. That amount of ad valorem taxes levied each year by the taxing authority, exclusive of any debt service millage, on taxable real property contained within the geographic boundaries of the MIRA Redevelopment Area; and
- b. That amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for the taxing authority, exclusive of debt service millage, upon the total of the assessed value of taxable property in the MIRA Redevelopment Area, as shown upon the assessment roll used in connection with the taxation of such property by the taxing authorities relating to the provision of funding into the trust fund.

This reduced amount shall be applied each year for the next ten (10) years, from Fiscal Year 2020-2021 through Fiscal Year 2029-2030, and is not to exceed \$275,000 per year.

**Section 6.** The County shall use these funds exclusively for the Sea Ray Drive Bridge Project.

**Section 7.** The County shall not deposit these project-specific funds into the MIRA Trust Fund.

**Section 8.** Any and all ordinances, or parts thereof, in conflict herewith are hereby repealed.

**Section 9.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 10.** This Ordinance shall take effect as provided by law.


**Section 11.** This Ordinance shall sunset at the end of Fiscal Year 2029-2030, at which time the tax increment amount shall revert back to the full ninety-five percent (95%) allocation, unless otherwise stated.

**DONE AND ADOPTED** in regular session, this 15<sup>th</sup> day of September, 2020.

ATTEST:

By:   
Scott Ellis, Clerk

BOARD COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
Bryan Andrew Lober, Chair  
As approved by the Board on September 15, 2020