



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.4.

5/20/2025

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### Subject:

Ordinance providing for the dissolution of the North Brevard Development District for the purpose of recapturing the District's tax increment funding for the County general fund, while honoring the existing contractual obligations and commitments of the District.

### Fiscal Impact:

The proposed ordinance would result in the recapture, for the General Fund, of projected annual tax increment contributions of more than \$3 million per fiscal year and the eventual return of any surplus funds currently in the North Brevard Economic Development Trust Fund.

### Dept/Office:

District 3

### Requested Action:

It is requested that the Board of County Commissioners hold a public hearing and consider adopting an ordinance providing for the dissolution of the North Brevard Development District, the recapture for the general fund of the District's tax increment funding, the continuation and administration of the District's existing contractual obligations, the termination and winding down of an interlocal agreement with the City of Titusville, and the administration of and use of proceeds from the sale or lease of County-owned property within Spaceport Commerce Park.

### Summary Explanation and Background:

At its meeting on December 17, 2024, the Board of County Commissioners received a presentation from staff addressing the required Board actions and timeline should the Board wish to consider an adjustment to the Fire Service Non-Ad Valorem Assessment (the "Fire Assessment"). During that presentation, it was made clear that any increase to the Fire Assessment could only be used to fund Brevard County Fire Rescue's (BCFR) provision of fire services. Any increase in the Fire Assessment would require a corresponding increase in general fund revenues to fund BCFR's provision of countywide emergency medical services. Recognizing the need to enhance funding for BCFR, this ordinance is proposed to increase available recurring general fund revenue for allocation to BCFR.

The North Brevard Development District (the "District") was created in July 2011 by the Brevard County Board of County Commissioners as a dependent special district. It was conceived with the principal goal of facilitating job growth and economic development in the northern portion of Brevard County in the wake of NASA's Space Shuttle program end.

The Board of County Commissioners adopted a tax increment ordinance to finance the workings and obligations of the District. For FY 2024-25, the projected tax increment contribution from the general fund to

the North Brevard Economic Development District Trust Fund is \$3.3 million.

The District has satisfied the purposes for which it was formed. If the tax increment is recaptured for the General Fund, additional annual revenues of more than \$3 million will be available to support Brevard County Fire Rescue operations.

The District has available funds in the Trust Fund sufficient to honor and administer its existing contractual commitments and obligations without requiring future tax increment contributions. Within the Trust Fund, there is a City Account comprised of tax increment funds contributed by the City of Titusville. There are sufficient available funds within the City Account to honor and administer existing contractual commitments and obligations involving the expenditure of these City tax increment funds.

The proposed ordinance was prepared by the County Attorney's Office following the direction and statement of legislative intent adopted by the Board at its meeting on April 22, 2025.

More specifically, the proposed ordinance provides for the following:

1. The dissolution of the North Brevard Development District.
2. The termination of annual tax increment funding to the North Brevard Economic Development Trust Fund, with such increment funding to remain in the County general fund.
3. The continuation and administration of existing contractual obligations of the North Brevard Development District. When all contractual obligations and commitments have been satisfied, any remaining surplus funds will be transferred to the County general fund to be used for County purposes, except those funds in the City Account.
4. The termination of the interlocal agreement between the County, the City of Titusville, and the North Brevard Development District. Existing obligations funded by City of Titusville tax increment funds in the City Account within the North Brevard Economic Development Trust Fund will continue and be administered by the County, and any surplus funds in the City Account will be refunded to the City.
5. Disposition of assets and liabilities of the North Brevard Development District pursuant to section 189.076, Florida Statutes.
6. The continued administration of the Spaceport Commerce Park, as well as the use of proceeds from the sale or lease of County-owned property within the Spaceport Commerce Park.
7. The repeal of Chapter 98, Article IX, sections 98-240 to 98-272, inclusive, of the Brevard County Code of Ordinances.

### **Clerk to the Board Instructions:**

Upon approval by the Board, execution by the Chair, and attestation by the Clerk, file the ordinance with the Department of State as required by law within the 10-day deadline. Please return a copy of the executed ordinance with the Department of State's official acknowledgment of filing to the County Attorney's Office and Brevard County Code Enforcement. Pursuant to section 189.071, Florida Statutes, please forward a copy of this ordinance to the Special District Accountability Program at FloridaCommerce within thirty days of the effective date of this ordinance.



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

May 21, 2025

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

**TO:** Commissioner Kim Adkinson, District 3

**RE:** Item H.4., Ordinance Providing for the Dissolution of the North Brevard Development District for the Purpose of Recapturing the District's Tax Increment Funding for the County General Fund, while Honoring the Existing Contractual Obligations and Commitments of the District

The Board of County Commissioners, in regular session on May 20, 2025, conducted a public hearing and adopted Ordinance No. 25-07, authorizing the dissolution of the North Brevard Development District, the recapture for the general fund of the District's Tax Increment Funding, the continuation and administration of the District's existing contractual obligations, the termination and winding down of an Interlocal agreement with the City of Titusville, and the administration of and use of proceeds from the sale or lease of County-owned property within Spaceport Commerce Park. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/kl

Encl. (1)

cc: County Attorney  
NBEDZ



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 23, 2025

Rachel Sadoff  
County Clerk  
Brevard County  
Post Office Box 999  
Titusville, FL 32781-0999

Dear Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2025-07, which was filed in this office on May 23, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp

ORDINANCE NO. 2025-07

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, REPEALING CHAPTER 98, ARTICLE IX, "NORTH BREVARD ECONOMIC DEVELOPMENT ZONE DEPENDENT SPECIAL DISTRICT," SECTIONS 98-240 THROUGH 98-272, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; DISSOLVING THE NORTH BREVARD DEVELOPMENT DISTRICT, A DEPENDENT SPECIAL DISTRICT OF BREVARD COUNTY, PURSUANT TO SECTION 189.071, FLORIDA STATUTES; TERMINATING THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE; TERMINATING THE ANNUAL TAX INCREMENT FUNDING OF THE NORTH BREVARD ECONOMIC DEVELOPMENT TRUST FUND; PROVIDING FOR THE CONTINUATION AND ADMINISTRATION OF EXISTING CONTRACTUAL OBLIGATIONS OF THE NORTH BREVARD DEVELOPMENT DISTRICT; TERMINATING THE INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE; PROVIDING FOR THE DISPOSITION OF FUNDS WITHIN THE NORTH BREVARD ECONOMIC DEVELOPMENT TRUST FUND; PROVIDING FOR THE DISPOSITION OF ASSETS AND LIABILITIES OF THE NORTH BREVARD DEVELOPMENT DISTRICT; TERMINATING THE ECONOMIC DEVELOPMENT PLAN; PROVIDING FOR THE ADMINISTRATION OF AND USE OF PROCEEDS FROM SALE OR LEASE OF COUNTY-OWNED PROPERTY WITHIN SPACEPORT COMMERCE PARK; REPEALING ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CODE SECTIONS AND EFFECT ON CODE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners previously created a dependent special district known and referred to as the North Brevard Development District, for the purpose of preparing, adopting, implementing, and modifying, as needed, an economic development plan for the areas located in Brevard County Commission District One, excluding those areas south of State Road 528 and the corporate limits of the City of Cocoa, and including the area located in Brevard County Commission District Two comprised of Exploration Park; and

**WHEREAS**, the Board of County Commissioners has determined that the North Brevard Development District, as then empowered, has satisfied the purposes for which it was created; and

**WHEREAS**, the Board of County Commissioners now desires to recapture, for the Brevard County general fund, the tax increment used to finance the workings and obligations of the North Brevard Development District, while providing that existing

contractual obligations and commitments of the North Brevard Development District made prior to the effective date of this ordinance shall be honored by Brevard County.

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

**SECTION 1. DISSOLUTION OF THE NORTH BREVARD DEVELOPMENT DISTRICT; TERMINATION OF THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE, ANNUAL TAX INCREMENT FUNDING OF THE NORTH BREVARD ECONOMIC DEVELOPMENT TRUST FUND, AND ECONOMIC DEVELOPMENT PLAN; REPEAL OF ORDINANCES.** The North Brevard Development District, a dependent special district of Brevard County, is hereby dissolved pursuant to section 189.071, Florida Statutes. The North Brevard Economic Development Zone, that geographic area described in section 98-268, Code of Ordinances of Brevard County, Florida, is hereby terminated as a means to define and determine a tax increment deposited into the North Brevard Economic Development Trust Fund to fund the economic development plan. The annual tax increment funding of the North Brevard Economic Development Trust Fund as provided in section 98-269, Code of Ordinances of Brevard County, Florida, as well as the calculation of such annual tax increment amount as provided in section 98-268, Code of Ordinances of Brevard County, Florida, is hereby terminated. The economic development plan referred to in section 98-272, Code of Ordinances of Brevard County, Florida, is hereby terminated.

Ordinance Numbers 2011-16, 2011-18, 2012-13, 2012-14, 2013-08, 2013-45, 2013-46, and 2016-25, establishing, amending, and otherwise providing for the North Brevard Development District, the North Brevard Economic Development Zone, annual tax increment funding tax increment funding of the North Brevard Economic Development Trust Fund, and the economic development plan, among other things, are hereby repealed.

**SECTION 2. CONTINUATION AND ADMINISTRATION OF EXISTING CONTRACTUAL OBLIGATIONS OF THE NORTH BREVARD DEVELOPMENT DISTRICT.** Brevard County shall honor those contractual obligations and commitments of the North Brevard Development District that existed at the time of its dissolution, which contractual obligations and commitments shall be administered by the County Manager. This includes those contractual obligations and commitments involving the expenditure of City of Titusville tax increment funds in the City Account within the North Brevard Economic Development Trust Fund when the expenditure of such City funds has been approved by the City.

**SECTION 3. TERMINATION OF INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE.** Pursuant to Section 7 of the Interlocal Agreement between Brevard County, the City of Titusville, and the North Brevard Development District, the County Manager is directed to provide one hundred twenty (120) days written notice to the City of said termination. Upon the City's receipt of the notice of termination, there shall be no additional commitment of funds by the parties. All funds existing in the City Account within

the North Brevard Economic Development Trust Fund that have not been appropriated or committed to a particular purpose or project shall be refunded to the City within thirty (30) days of termination.

**SECTION 4. DISPOSITION OF FUNDS WITHIN THE NORTH BREVARD ECONOMIC DEVELOPMENT TRUST FUND.** The remaining funds within the North Brevard Economic Development Trust Fund shall be maintained and expended for the purposes of honoring those contractual obligations and commitments of the North Brevard Development District that existed at the time of its dissolution, and costs associated with the administration of those contractual obligations. When all such existing contractual obligations and commitments have been satisfied and all associated administrative costs expended, any remaining surplus funds within the North Brevard Economic Development Trust Fund shall be transferred to the general fund of the County to be used for County purposes, and the North Brevard Economic Development Trust Fund shall be terminated.

**SECTION 5. DISPOSITION OF ASSETS AND OR LIABILITIES OF THE NORTH BREVARD DEVELOPMENT DISTRICT.** Pursuant to section 189.076, Florida Statutes, the dissolution of the North Brevard Development District shall transfer the title to all property owned by the North Brevard Development District to Brevard County, which shall also assume all indebtedness of the North Brevard Development District.

**SECTION 6. ADMINISTRATION OF AND USE OF PROCEEDS FROM SALE OR LEASE OF COUNTY-OWNED PROPERTY WITHIN SPACEPORT COMMERCE PARK.** The County Manager shall administer the County-owned property within the Spaceport Commerce Park. Any net proceeds received from the sale or lease of real property owned by the County located within Spaceport Commerce Park will be deposited in appropriate accounts and restricted to the following uses:

- (1) To continue to improve or expand Spaceport Commerce Park property.
- (2) For advertising and promotion of Spaceport Commerce Park.
- (3) For road, sewer, water, canal construction or other capital improvements benefitting Spaceport Commerce Park.
- (4) For maintenance of Spaceport Commerce Park.
- (5) To pay for any consulting services that may be necessary for the improvement or development of Spaceport Commerce Park property.
- (6) For the retirement of any debt incurred in conjunction with the development of the County-owned property located within Spaceport Commerce Park.
- (7) If all County-owned land within Spaceport Commerce Park is sold or subject to long-term leases, for any other purpose for which County general funds may be expended.

**SECTION 7. CONFLICTS.** All ordinances, parts of ordinances or resolutions in conflict herewith are hereby repealed.

**SECTION 8. SEVERABILITY.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part.

**SECTION 9. REPEAL OF CODE SECTIONS AND EFFECT ON CODE.** It is the intention of the Board of County Commissioners of Brevard County that all of Chapter 98, Article IX, which includes code sections 98-240 to 98-272, inclusive, of the Brevard County Code of Ordinances are hereby repealed and are to be deleted from the Brevard County Code of Ordinances. No other provision of this ordinance is to be codified as part of the Brevard County Code of Ordinances.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall become effective upon filing with the Office of the Secretary of State, State of Florida, within ten days of enactment. A certified copy of this ordinance shall also be filed with the Special District Accountability Program of FloridaCommerce within 30 days of the effective date of this ordinance.

**SECTION 11. CLERK TO FORWARD A COPY TO FLORIDACOMMERCE.** Pursuant to section 189.071, Florida Statutes, the Clerk is hereby directed to forward a copy of this ordinance to the Special District Accountability Program at FloridaCommerce within thirty days of the effective date of this ordinance.

**DONE, ORDERED AND ADOPTED** by the Board of County Commissioners of Brevard County, Florida, in regular session, this 20<sup>th</sup> day of May, 2025.

Attest:

By: 

Rachel Sadoff, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: 

Rob Feltner, Chairman

As approved by the Board on May 20, 2025

**Board Meeting Date**

5/20/25

Item Number: H. 4.

Motion By: KA

Second By: TG

Nay By: \_\_\_\_\_

| Commissioner          | DISTRICT | AYE | NAY |
|-----------------------|----------|-----|-----|
| Commissioner Delaney  | 1        |     | ✓   |
| Vice Chair Goodson    | 2        | ✓   |     |
| Commissioner Adkinson | 3        | ✓   |     |
| Commissioner Altman   | 5        |     | ✓   |
| Chairman Feltner      | 4        | ✓   |     |