



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

5/21/2024

Subject:

Ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation.

Fiscal Impact:

The fiscal impact associated with this action is Erchonia Corporation would no longer be eligible to receive future ad valorem tax exemptions at the property designated in Ordinance 2017-04, for the economic development incentive granted under Ordinance 2015-20.

If approved, the County would seek claw back of the 2023 exemption granted, in the amount of \$722.10.

Dept/Office:

County Manager

Requested Action:

It is recommended that the Board of County Commissioners consider adopting an Ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation and seeking claw back of the 2023 exemption granted, in the amount of \$722.10.

Summary Explanation and Background:

On July 21, 2015, the Board of County Commissioners granted Erchonia Corporation, an ad valorem tax exemption for a period of 8 years and 80 percent on the company's facility expansion and tangible personal property added to the County's assessment roll. In order to remain eligible for the County's Ad Valorem Tax Exemption Program, Erchonia Corporation, would need to maintain their eligibility as set forth in Ordinances 2015-20 and 2017-04 (as amended). This includes maintaining the expansion of the company's business throughout the entire exemption period.

During the annual review process, Brevard County was placed on notice that Erchonia Corporation relocated out of state in October 2023 and ceased all operations in Brevard County.

On April 17, 2024, a certified letter was sent to Erchonia Corporation, notifying them that the Board of County Commissioners would consider rescinding their tax exemption based upon Erchonia Corporation no longer operating at the location where the economic development ad valorem tax exemption was approved.

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 acknowledgement of filing to the County Manager's Office, County Attorney's Office, and EDC of Florida Space Coast at 6525 3rd Street, Suite 304, Rockledge, FL 32955.



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 22, 2024

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.1., Order Rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation

The Board of County Commissioners, in regular session on May 21, 2024, adopted Ordinance No. 24-08, rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation and seeking claw back of the 2023 exemption granted, in the amount of \$722.10. 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

/ns

Encl. (1)

cc: County Attorney
EDC of Florida Space Coast
Property Appraiser
Finance
Budget

ORDINANCE NO. 2024-08

AN ORDINANCE REPEALING ORDINANCE 2015-20 AND ORDINANCE 2017-04 GRANTING TO ERCHONIA CORPORATION, CERTAIN AD VALOREM TAX EXEMPTIONS, FOR FAILURE TO MEET THE CRITERIA FOR SUCH EXEMPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, ERCHONIA CORPORATION, Melbourne, Florida, no longer meets the criteria of Section 196.012 (14) or (15) Florida Statutes, Section 102-185(g), Brevard County Code of Ordinances, and Brevard County Ordinances 2015-20 and 2017-04.

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

Section 1. Ordinance 2015-20, codified at Section 102-229 of the Brevard County, Florida Code of Ordinances, relating to the economic development ad valorem exemption granted to Erchonia Corporation, (located 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 hereby repealed; and

Ordinance 2017-04 relating to the economic development ad valorem exemption granted to Erchonia Corporation, (located at 650 Atlantis Road, Melbourne FL) is hereby repealed.

Section 2. In accordance with Section (1)(g) of Ordinance 2015-20 and Section 102-229 of the Brevard County Code of Ordinances, Erchonia Corporation shall reimburse those County ad valorem taxes abated in its favor for that period of time that it no longer met the criteria of section 196.012(14) or (15), Florida Statutes.

Section 3. Effective Date - This Ordinance shall become effective immediately upon its adoption and 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 (10) days of enactment.

Section 4. It is the intention of the Board of County Commissioners that the provisions of this ordinance amend the Code of Ordinances of Brevard County, Florida, as applicable.

DONE, ORDERED AND ADOPTED in Regular Session this 21st day of May, 2024.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


By:

Jason Steele, Chair

As approved by the Board on MAY 21 2024

Officially filed with the Secretary of the State on May 23, 2024.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 23, 2024

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable 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. 2024-08, which was filed in this office on May 23, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

Meeting Date
July 21, 2015



AGENDA	
Section	Public Hearing
Item No.	IV D

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Economic Development Tax Exemption Ordinance Erchonia Corporation																												
DEPT/OFFICE:	Administrative 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 Erchonia Corporation.																													
Summary Explanation & Background:																													
<p>Erchonia Corporation is a medical laser device manufacturer considering building a 20,000 SF manufacturing facility on Digital Light Drive in Melbourne, FL. Parcel ID 27.36.23.77.000B.0000031.00 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. The company plans to create 39 <u>35</u> new full time jobs with an average wage of \$62,000 and invest \$5,300,000 in new capital expenditures.</p> <p>Erchonia Corporation meets the eligibility criteria as defined by Florida Statutes under Chapter 196.012(16)</p> <p>(a) 1. As a business new or expanding in Brevard County.</p> <p>"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".</p> <p>The EDC has made a recommendation that Erchonia Corporation be provided an abatement of 80% for 8 years.</p> <p>The Property Appraiser has conducted an analysis of the tax abatement application and estimates At 80 % the amount of the annual tax abatement will be approximately \$ 14,091.90.</p> <p>Fiscal Impact: 2015-2016 No fiscal impact until company moves into and builds out facility</p> <p>Fiscal Impact: 2016-2017 Fiscal Impact will be the amount of ad valorem taxes exempted.</p>																													
Clerk to the Board instruction:																													
Exhibits Attached: Ordinance, Notice of Public Hearing, EDC Economic Impact Analysis, EDC Recommendation, Tax Abatement Application, Property Appraiser's Report.																													
<table border="1"> <tr> <td>Contract /Agreement (If attached):</td> <td>Reviewed by County Attorney</td> <td>Yes</td> <td><input type="checkbox"/></td> <td>No</td> <td><input type="checkbox"/></td> <td>PR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>County Manager</td> <td>Assistant County Manager</td> <td colspan="3"></td> <td colspan="3">Department Director / Extension</td> </tr> <tr> <td>Stockton Whitten</td> <td>Assistant County Manager</td> <td colspan="3"></td> <td colspan="3"></td> </tr> </table>						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						
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County Manager	Assistant County Manager				Department Director / Extension																								
Stockton Whitten	Assistant County Manager																												

ORDINANCE NO. 2015-_____

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ERCHONIA CORPORATION; 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; ERCHONIA CORPORATION; 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, Erchonia Corporation, has requested that the Board of County Commissioners exempt ad valorem taxes for its facility on Digital Light Drive, Melbourne, Fl.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Erchonia Corporation, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(8) F.S.; and

WHEREAS, it has been determined that Erchonia Corporation, meets the requirements of Chapter 196.012 F.S., an expanding 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 the following:

- (a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Erchonia Corporation, Melbourne, Fl. for its new construction and tangible personal property.
- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$194,413,375.05; \$161,833.05 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 expanded facility and tangible personal property are added to the assessment roll, and lasting eight (8) years thereafter, for 80 percent (80%) of County ad valorem taxes.
- (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 a new or expanding business, as defined by Chapter 196.012, Florida Statutes.

- (e) Erchonia Corporation 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 or of an expansion of an existing business for each of the eight (8) years during which Erchonia Corporation is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates Erchonia Corporation, no longer meets the criteria of Chapter 196.012 F.S., 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 activity or expansion of an existing business activity, including construction or equipment purchases, giving rise to an 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 the Board of County Commissioners revokes this Ordinance, it shall be a requirement of the company to reimburse those County ad valorem taxes abated in favor of Erchonia Corporation for that period of time that it was determined that Erchonia Corporation no longer met the criteria of Chapter 196.012 F.S.

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 21st day of July, 2015

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Robin Fisher, Chairman

As approved by the Board on 07/21/2015

SUPPLEMENTAL APPLICATION

BREVARD COUNTY ECONOMIC DEVELOPMENT
AD VALOREM TAX EXEMPTION PROGRAM

APPLICANT NAME: Erchonia Corporation

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: Erchonia Corporation
Address: Parcel Id 27.36.23.77.0008.00-00031.00 Legal Description: Plat Book/Page: 0047/0073 North Drive Industrial Plaza, Phase One a Replat of Tract B BLK B PB 43 PG 28 Lot 31 BLK B.
Telephone No. (214) 544-2227 FAX No. (214) 544-2228
3. Authorized Agent: Mark Sherks
Address: 2021 Commerce Dr., McKinney, TX 75069
Telephone Number: (214) 544-2227 Fax No. (214) 544-2228
4. Type of Industry or business: Manufacturing-Medical
5. Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan):
Medical Lasers for healthcare and aesthetic applications, Possible relocation to Brevard County
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): 39 (Full Time)
7. Percent increase in overall employment: TBD
8. Expected number of new employees who will reside in Brevard County: 36 (Full Time)
9. Percentage of existing employees who have resided in the County for more than two years: 0
10. Anticipated average wage of employees: \$62,000
11. Anticipated average annual payroll: \$2,400,000 (including part time)
12. Anticipated new capital investment as a result of expansion or relocation of business:
New construction value: \$3,300,000
New personal property value: \$2,000,000
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): other than what is required for normal waste removal: none.
14. Anticipated volume of business or production: \$12 to \$15M annual revenue
15. The relocation or expansion would not occur without the exemption: Yes [] No [X]
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 []

Name of area: City of Melbourne _____

SIGNATURES:

I hereby confirm the information provided by Erchonia Corporation 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 Erchonia Corporation 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 Erchonia Corporation will provide the Brevard Workforce its job openings to be posted on www.employnvflorida.com and agrees to consider for employment candidates referred by Brevard Workforce.

DATE: 5/29/15
SIGNED: Shank/Thanks
TITLE: CFO (Applicant)

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 _____ percent of its eligible taxes and for a period of _____ years.

DATE: _____ SIGNED: _____
(EDC President)

COUNTY USE ONLY

County Manager's Recommendation:

DATE: _____ SIGNED: _____
(County Manager)

To be filed with the Board of County Commissioners, the governing board of the municipality, or both, no later than March 1 of the year the exemption is desired to take effect.

- [illegible]

- 3

8. Describe the type or nature of your business: Manufacture of Medical Lasers
9. Trade level (check as many as apply):
 Wholesale ☒ Manufacturing ☒ Professional ☐ Service ☐ Office ☐ Other ☐
10. a. Number of full time employees employed in Florida: 35 upon relocation.
 (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 \$700,000 divided by
 Total sales everywhere from this facility - one (1) location only \$12 - \$15M
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: 5/29/15
 SIGNED: [Signature]
 (Taxpayer)
 TITLE: CFO

Signed: _____
 (Preparer)

 (Preparer's Address)

 (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: 194,413,375.05
- II. Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 161,833.05
- 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 property for which the exemption is requested otherwise been subject to taxation: 17,614.88
- IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted:
 Improvements to real property 2,805,000 Personal Property 300,750
- 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 BOCC.
- DATE: 7-13-15 SIGNED: [Signature]
 (Property Appraiser)

RETURN TO BE FILED NOT LATER THAN MARCH 1



July 15, 2015

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 July 14, 2015 to review an application submitted by Erchonia Corporation.

The following Council members were in attendance: Judy Blanchard, CareerSource Brevard; Melissa Byron, City of Cocoa Beach; William Capote, City of Palm Bay; Robbie Fritz, HUB International Florida; Dan Henn, City of Rockledge; Neal Johnson, EverBank; Todd Morley, City of Cape Canaveral; Pat Poston, Canaveral Port Authority; Travis Proctor, Artemis, Inc.; Gilbert Russell, Seacoast Bank; Julie Song, FL Business & Manufacturing Solutions, Inc.

Guest(s): Jason Miller, JP Morgan Chase Bank, N.A.; Dave Berman, Florida Today.

EDC staff members in attendance included: Mr. Gregory Weiner, Senior Director of Business Development; Ms. Cammie Goode, Business Development Specialist.

Erchonia Corporation is a medical laser device manufacturer considering building a 20,000 SF manufacturing facility on Digital Light Drive in Melbourne, FL: Parcel ID 27.36.23.77.0008.00-00031.00 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. The company plans to create 35 new full time jobs with an average wage of \$62,000 and invest \$5,300,000 in new capital expenditures.

The Ad Valorem Tax Abatement Council made the recommendation of 80 percent abatement for 8 years for Erchonia Corporation.

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

Attachment




RECEIVED

BOARD OF COUNTY COMMISSIONERS

STOCKTON WHITTEN, COUNTY MANAGER
2725 Judge Fran Jamieson Way, Building C, Room 301
Viera, FL 32940
stockton.whitten@brevardcounty.us

OFFICE OF THE COUNTY MANAGER
Phone: 321.633.2001
Fax: 321.633.2115
www.brevardcounty.us

TO: LYNDA WEATHERMAN, PRESIDENT
ECONOMIC DEVELOPMENT COMMISSION

FROM: STOCKTON WHITTEN, COUNTY MANAGER 

SUBJECT: TAX ABATEMENT REPORT FOR ERCHONIA CORPORATION

DATE: JULY 8, 2015

The Board of County Commissioners on July 8, 2015, adopted a Resolution qualifying Erchonia Corporation as an eligible business under the County's Economic Development Incentives Program.

Erchonia Corporation is a medical laser device manufacturer considering building a 20,000 SF manufacturing facility on Digital Light Drive in Melbourne, FL. Parcel ID 27.36.23.77.000B.0000031.00
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. The company plans to create 35 new full time jobs with an average wage of \$62,000 and invest \$5,300,000 in new capital expenditures.

The Board requests that the Economic Development Commission of Florida's Space Coast conduct an economic impact analysis of the company and provide it with its recommendation as to the extent and length of tax abatement. A copy of the application is attached for your analysis and signature.

It is planned that the Board will hold a public hearing to consider adopting an ordinance exempting select County ad valorem taxes on behalf of Erchonia Corporation at its July 21, 2015 regularly scheduled meeting.

If you should have any questions, please contact me at (321) 633-2001.

SW/si

Attachment



Erchonia Corporation Ad Valorem Tax Abatement Executive Summary

Erchonia Corporation was founded in 1996 as a small family business in Denver, Colorado with just three employees, and even though we've grown into an international enterprise with 50 employees, we still operate under the founding principles that guided us to our present success. Our commitment to the legitimate advancement of Low Level Laser Therapy (LLLT®) through scientific and clinical research has transformed Erchonia into a world leader in the field of LLLT technology. The integrity, diligence, quality and commitment of our company are evident in the rigorous process we follow in order to take a research hypothesis from concept to viable, agency-approved product and treatment method. To ensure a steadfast adherence to our unique all-encompassing approach, our company serves as manufacturer, marketer, developer, promoter, creator and user of all our products.

As manufacturer, we manage to maintain our quality production standards by operating as an 85% self-reliant company. This means we are involved in almost every facet of our products' creation, performing research, development, fabrication of components and assembly of finished goods all in-house. As marketers, we hold on to the highest customer-service standards possible, providing multi-media training and meeting all of our client's requests with creativity and purpose. By overseeing the development of our specialized products every step of the way, we've cultivated a unique market niche and are determined to maintain our status as leader and trend-setter in the field of Low Level Laser Therapy.

In 2014 the Senior Management Team of Erchonia decided to explore the idea of relocating the facility to an eastern U.S. location with a desirable business and personal climate for growth. Brevard County was considered out of a pool of other potential sites; including Raleigh, Charlotte, Nashville, Birmingham and Jacksonville, due to its skilled labor pool, high technology vendors, central location, desirable quality of living and of course, great weather.

Erchonia Corporation is considering a 20,000 sq. ft. facility on Digital Light Dr. in Melbourne with a cost of approximately \$3,300,000. In addition Erchonia would be relocating 35 employees, along with family, adding 80+ new residents to Brevard County.

Erchonia Corporation
2021 Commerce Drive
McKinney, TX 75069
214-544-2227
214-544-2228 Fax
888-242-0571 Toll Free
www.erschonia.com





The Ad Valorem Tax Abatement program would be of great benefit to our growth and expansion efforts by allowing our company to better leverage its capital to increase efficiency and raise competitiveness which will in turn give us the ability to add to our Brevard County and Florida client base.

We expect Erchonia Corporation to continue on its current growth curve with our Melbourne facility. Current projections are for annual sales to be \$12,000,000-\$15,000,000. Our current and future growth will continue to provide a positive and lasting impact on the Space Coast economy. We are eagerly anticipating the Commission's assistance with our relocation efforts through the approval of Erchonia Corporation for the Ad Valorem Tax Abatement Program.

Erchonia Corporation
2021 Commerce Drive
McKinney, TX 75069
214-544-2227
214-544-2228 Fax
888-242-0571 Toll Free
www.erschonia.com



SUPPLEMENTAL APPLICATION

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

APPLICANT NAME: Erchonla Corporation

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.

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Telephone No. (214) 544-2227 FAX No. (214) 544-2228
3. Authorized Agent: Mark Shanks
Address: 2021 Commerce Dr., McKinney, TX 75069
Telephone Number: (214) 544-2227 Fax No. (214) 544-2228
4. Type of industry or business: Manufacturing-Medical
5. Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan):
Medical Lasers for healthcare and aesthetic applications. Possible relocation to Brevard County
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): 35 (Full Time)
7. Percent increase in overall employment: TBD
8. Expected number of new employees who will reside in Brevard County: 35 (Full Time)
9. Percentage of existing employees who have resided in the County for more than two years: 0
10. Anticipated average wage of employees: \$62,000
11. Anticipated average annual payroll: \$2,600,000 (Including part time)
12. Anticipated new capital investment as a result of expansion or relocation of business:
New construction value: \$3,300,000
New personal property value: \$2,000,000
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): other than what is required for normal waste removal: none.
14. Anticipated volume of business or production: \$12 to \$15M annual revenue
15. The relocation or expansion would not occur without the exemption: Yes [] No [X]
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 []

Name of area: City of Melbourne _____

SIGNATURES:

I hereby confirm the information provided by Erchonia Corporation 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 Erchonia Corporation 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 Erchonia Corporation 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: 6/29/15
SIGNED: Mark Shaker
TITLE: CFO (Applicant)

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: 7/15/2015

SIGNED: _____

(EDC President)
EDC Senior Director Business Development

COUNTY USE ONLY

County Manager's Recommendation:

DATE: _____

SIGNED: _____
(County Manager)

BREVARD COUNTY
ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION
Chapter 196, Florida Statutes

To be filed with the Board of County Commissioners, the governing board of the municipality, or both, no later than March 1 of the year the exemption is desired to take effect.

1. Business name: Erchonia Coporation
Mailing address: 2021 Commerce Dr. McKinney, TX 75069
2. Name of person in charge of business: Mark Shanks
Telephone No.: (214) 544-2227 FAX No.: (214) 544-2228
3. Location of business (legal description and street address) of property for which this report is filed:
Same as above
4. Date business opened at this facility: 2006
5. a. Description of the improvements to real property for which this exemption is requested:
New Facility
- b. Date of commencement of construction of improvements: Q4-2015
6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:

APPRAISER'S ONLY	Class or Item	Age	Date of Purchase	Original Cost	Taxpayer's Estimate of Condition			Taxpayer's Estimate of Fair Market Value		USE
	Manufacturing Equipment and tools	9yrs	2006	\$450,000		G		\$250,000		
	Transportation Equipment	5yrs	2001	\$161,000		G		\$80,000		
	Furniture and Fixtures	7yrs	2007	\$203,000		G		\$100,000		
	Computer Equipment	2 yrs	2013	\$264,000		G		\$200,000		

- b. Average value of inventory on hand: 2014 = \$1,100,000
- c. Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.
7. Do you desire exemption as a "New Business" [☒] or as an "Expansion of an Existing Business" [☐]

8. Describe the type or nature of your business: Manufacture of Medical Lasers

9. Trade level (check as many as apply):

Wholesale [X] Manufacturing [X] Professional [] Service [] Office [] Other []

10. a. Number of full time employees employed in Florida: 35 upon relocation.

(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 \$700,000 divided by
Total sales everywhere from this facility - one (1) location only \$12 - \$15M

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: 5/29/15

SIGNED: Mark Shanker

(Taxpayer)

TITLE: CFO

Signed: _____
(Preparer)

(Preparer's Address)

(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:

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

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:

IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted:
Improvements to real property _____ Personal Property _____

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: _____

DATE: _____

SIGNED: _____
(Property Appraiser)

RETURN TO BE FILED NOT LATER THAN MARCH 1



Ad Valorem Tax Abatement
Job Creation
Distribution Worksheet

Job Title / Description	Number of Jobs	Wage	Anticipated Hire Timeline (by year)
Management	4	\$153,941	2016
Engineering	3	\$96,627	2016
Supervisor	2	\$60,731	2016
Technician	7	\$44,730	2016
Sales	6	\$48,982	2016
Regulatory/Compliance	3	\$63,641	2016
Administration	10	\$33,813	2016

Erchonia Corporation

Brevard County, FL

07/14/15

Overview:

New Job Commitment:	35	Capital Investment:	\$5,300,000
Average Annual Wage:	\$62,000		

Economic impact from job creation:

Jobs	Net New Wage	Contribution to GDP
35 (Direct)	\$2,170,000 (Direct)	\$4,148,433 (Direct)
19 (Indirect)	\$998,254 (Indirect)	\$1,770,428 (Indirect)
17 (Induced)	\$615,632 (Induced)	\$1,148,104 (Induced)
72 TOTAL	\$3,783,886 TOTAL	\$7,066,966 TOTAL

- For every employment position created by Erchonia Corporation approximately 1.04 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Erchonia Corporation approximately \$0.74 will be generated for consumer spending.

County Tax Impact

Years 1-10	Annual Taxes on Construction
Projected Tax Assessed	\$ 37,047.91
Potential Abatement	\$ 14,973.29
Net New Revenue to County	\$ 22,074.62
	Annual Taxes on Personal Property
Projected Tax Assessed	\$ 22,453.28
Potential Abatement	\$ 9,074.72
Net New Revenue to County	\$ 13,378.56
Total New Revenue to County	\$ 35,453.18

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

Tax Millage Code – 53K0	NAICS – 334510	IMPLAN Sector – 314
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Analysis based on information supplied by Erchonia Corporation - July 2015

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.

A Daily Publication By:



RECEIVED

JUL 14 2015

County Manager's Office

B.O.C.C. COUNTY MANAGER'S OFFICE
2725 JUDGE FRAN JAMIESON WAY
MELBOURNE, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD:

Before the undersigned authority personally appeared Kim Curro, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of


Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) of:

07/10/15

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 10th of July 2015, by


Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$158.48
Ad No: 0000575153
Customer No: BRE-6BR446



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

AD# 575153-07/10/2015
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on July 21, 2015 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. 2015-
AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ERCHONIA CORPORATION, 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; ERCHONIA CORPORATION; 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. 2015- 20

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ERCHONIA CORPORATION; 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; ERCHONIA CORPORATION; 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, Erchonia Corporation, has requested that the Board of County Commissioners exempt ad valorem taxes for its facility on Digital Light Drive, Melbourne, Fl.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Erchonia Corporation, and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Chapter 196.1995(8) F.S.; and

WHEREAS, it has been determined that Erchonia Corporation, meets the requirements of Chapter 196.012 F.S., an expanding 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 the following:

- (a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Erchonia Corporation, Melbourne, Fl. for its new construction and tangible personal property.
- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$194,413,375.05; \$161,833.05 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 expanded facility and tangible personal property are added to the assessment roll, and lasting eight (8) years thereafter, for 80 percent (80%) of County ad valorem taxes.
- (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 a new or expanding business, as defined by Chapter 196.012, Florida Statutes.

Officially filed with the Secretary of State on 7-23-15

- (e) Erchonia Corporation 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 or of an expansion of an existing business for each of the eight (8) years during which Erchonia Corporation is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates Erchonia Corporation, no longer meets the criteria of Chapter 196.012 F.S., 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 activity or expansion of an existing business activity, including construction or equipment purchases, giving rise to an 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 the Board of County Commissioners revokes this Ordinance, it shall be a requirement of the company to reimburse those County ad valorem taxes abated in favor of Erchonia Corporation for that period of time that it was determined that Erchonia Corporation no longer met the criteria of Chapter 196.012 F.S.

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 21st day of July, 2015

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Robin Fisher, Chairman

As approved by the Board on 07/21/2015

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing
is a true and current copy of Ordinance
No. 15-20 witness my hand
and official seal this 23 day of
July 2015

SCOTT ELLIS, Clerk of Circuit Court

BY  D.C.

ORDINANCE NO. 2017-04

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:

Officially filed with Secretary of State March 22, 2017

WHEREAS, Erchonia Corporation, has requested that the Board of County Commissioners exempt ad valorem taxes for its tangible personal property at 650 Atlantis Road, Melbourne, FL.

Section 2. Ratification. All other terms, provisions and conditions set forth in Brevard County Ordinance 2015-20 are hereby ratified, confirmed and remain in full force and effect, except as modified by Section 3, below.

Section 3. Effective Date and Retroactive Application - 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. The address correction set forth in this ordinance shall be deemed to have been part of Ordinance No. 2015-20 as of the effective date of said Ordinance No. 2015-20 and the ad valorem tax exemption granted under Ordinance No. 2015-20 shall be deemed to have been granted to the tangible personal property but not to the real property specified at the corrected address as set forth in this corrective Ordinance, which correction shall be deemed to apply retroactively to the effective date of Ordinance No 2015-20 for all purposes recited in that ordinance.

Done and Adopted this 21 day of **March**, 2017

Attest:

Brevard County Board of County Commissioners



Scott Ellis, Clerk

BY: 

Curt Smith, Chairman

As approved by the Board on March 21, 2017



BOARD OF COUNTY COMMISSIONERS
Frank Abbate, County Manager

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

January 8, 2024

Ms. Megan Tucek, Executive Assistant
Erchonia Corp.
650 Atlantis Rd
Melbourne, FL 32904

Via: Certified Mail # 70201810000131789538

RE: Ad Valorem Tax Abatement Annual Report for Year 2023 for Erchonia Corp. located at 650 Atlantis Rd, Melbourne, FL 32904, Brevard County Ordinance 2015-20 & 2017-04.

Dear Ms. Tucek,

Brevard County's Economic Development Ad Valorem Tax Abatement Program requires participating companies to submit an Annual Report to the County. The Annual Report qualifies the company to receive an ad valorem tax abatement and provides the necessary information to determine the company's continued performance under Division 3 of Brevard County Code of Ordinances, the ordinance granting the exemption and the representations made in the application process. Section 102-189, Brevard County Code of Ordinances, provides:

Should any new business or expansion of an existing business fail to file the annual report or any report required by section 102-185(g), Brevard County Code of Ordinances, or fail to continue to meet the definition of a new business or an expansion of an existing business, and/or fail to fulfill any other representation made to the Board of County Commissioners (Board) during the application process, the Board may adopt an ordinance revoking the ad valorem tax exemption. An ordinance revoking the ad valorem tax exemption may provide that the Board recover any taxes waived during the exemption period. Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to State of Florida law.

Enclosed is a 2023 Annual Report DR-418 form and the 2023 Internal Revenue Service 941 form for employee and wage verification. Please submit your company's 2023 Annual Report with the employment and wage verification documentation for the company granted the Ad Valorem Tax Abatement, Erchonia Corp.

The employment and wage verification information must identify the number of full-time, permanent workers employed at the location which your company receives an ad valorem tax abatement for the last quarter of calendar year 2023. If your company received ad valorem tax abatement and is still in the construction and/or expansion phase of your plans, please complete the annual report and indicate this on the form. If your company has not started the business or expanded an existing business, an annual report still must be provided.

Please submit the 2023 Annual Report DR-418 form and the 2023 IRS 941 form prior to March 1, 2024 to the following address: Karen Conde, Assistant to the County Manager, County Manager's Office, 2725 Judge Fran Jamieson Way, Building C, Room 301, Viera, Florida 32940.

Thank you for your continued participation; should you have any questions, please contact me at (321) 350-9192 or Karen.Conde@brevardfl.gov.

Sincerely,



Karen Conde
Assistant to the County Manager

cc: Mr. Frank Abbate, County Manager
Cathy Lively, Agenda Coordinator

Attachments (2)

ECONOMIC DEVELOPMENT AD VALOREM PROPERTY TAX EXEMPTION Chapter 196.1995, Florida Statutes

DR-418
R. 12/89

Ordinance

To be filed with the Board of County Commissioners, the governing boards of the municipality, or both,
no later than March 1 of the year the exemption is desired to take effect.

2015-2017-11

1 Business name		Mailing address	
2 Please give name and telephone number of owner or person in charge of this business.			
Name		Telephone number	
3 Exact Location (Legal Description and Street Address) of Property for which this return is filed		4 Date you began, or will begin, business at this facility	
5 Description of the improvements to real property for which this exemption is requested		Date of commencement of construction of improvements	
6 Description of the tangible personal property for which this exemption is requested and date when property was, or is to be purchased			APPRaiser's USE ONLY
Class or Item	Age	Date of Purchase	Taxpayer's Estimate of
			Original Cost
			Cond*
			Fair Market Rent
			Cond*
Average value of inventory on hand:			*Condition: good, avg (average), or poor
Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.			
7 Do you desire exemption as a <input type="checkbox"/> new business or <input type="checkbox"/> expansion of an existing business		9 Trade levels (check as many as apply)	
8 Describe type or nature of your business		<input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input type="checkbox"/> Manufacturing <input type="checkbox"/> Professional	
		<input type="checkbox"/> Service <input type="checkbox"/> Office <input type="checkbox"/> Other, specify:	
10 Number of full-time employees to be employed in Florida			
If an expansion of an existing business:		Net increase in employment	
		% 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		Date of incorporation in Florida	Number of full-time employees at this location
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		Signature, preparer	
Signature, 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		\$
II	Revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section		\$
III	Estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted and the property for which the exemption is requested would otherwise have been subject to taxation		\$
IV	Estimate of the taxable value lost to the county or municipality if the exemption applied for was granted		
	Improvements to real property \$	Personal property \$	
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		
	<input type="checkbox"/> new business <input type="checkbox"/> expansion of an existing business <input type="checkbox"/> neither		
VI	Last year for which exemption may be applied		

Application to be filed not later than March 1

Date

Signature, Property Appraiser

Form **941 for 2023: Employer's QUARTERLY Federal Tax Return**
(Rev. March 2023) Department of the Treasury — Internal Revenue Service

950122
OMB No. 1545-0029

Employer identification number (EIN)	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Name (not your trade name)	<input type="text"/>								
Trade name (if any)	<input type="text"/>								
Address	<input type="text"/>								
Number	Street				Suite or room number				
<input type="text"/>				<input type="text"/>		<input type="text"/>			
City				State		ZIP code			
<input type="text"/>				<input type="text"/>		<input type="text"/>			
Foreign country name				Foreign province/county		Foreign postal code			
<input type="text"/>				<input type="text"/>		<input type="text"/>			

Report for this Quarter of 2023
(Check one.)

- ☐ 1: January, February, March
☐ 2: April, May, June
☐ 3: July, August, September
☐ 4: October, November, December

Go to www.irs.gov/Form941 for instructions and the latest information.

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1	Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4)	1	<input type="text"/>
2	Wages, tips, and other compensation	2	<input type="text"/>
3	Federal income tax withheld from wages, tips, and other compensation	3	<input type="text"/>
4	If no wages, tips, and other compensation are subject to social security or Medicare tax	<input type="checkbox"/>	Check and go to line 6.
		Column 1	Column 2
5a	Taxable social security wages*	<input type="text"/> × 0.124 =	<input type="text"/>
5a (i)	Qualified sick leave wages*	<input type="text"/> × 0.062 =	<input type="text"/>
5a (ii)	Qualified family leave wages*	<input type="text"/> × 0.062 =	<input type="text"/>
5b	Taxable social security tips	<input type="text"/> × 0.124 =	<input type="text"/>
5c	Taxable Medicare wages & tips	<input type="text"/> × 0.029 =	<input type="text"/>
5d	Taxable wages & tips subject to Additional Medicare Tax withholding	<input type="text"/> × 0.009 =	<input type="text"/>
5e	Total social security and Medicare taxes. Add Column 2 from lines 5a, 5a(i), 5a(ii), 5b, 5c, and 5d	5e	<input type="text"/>
5f	Section 3121(q) Notice and Demand—Tax due on unreported tips (see instructions)	5f	<input type="text"/>
6	Total taxes before adjustments. Add lines 3, 5e, and 5f	6	<input type="text"/>
7	Current quarter's adjustment for fractions of cents	7	<input type="text"/>
8	Current quarter's adjustment for sick pay	8	<input type="text"/>
9	Current quarter's adjustments for tips and group-term life insurance	9	<input type="text"/>
10	Total taxes after adjustments. Combine lines 6 through 9	10	<input type="text"/>
11a	Qualified small business payroll tax credit for increasing research activities. Attach Form 8974	11a	<input type="text"/>
11b	Nonrefundable portion of credit for qualified sick and family leave wages for leave taken before April 1, 2021	11b	<input type="text"/>
11c	Reserved for future use	11c	<input type="text"/>

*Include taxable qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2021, and before October 1, 2021, on line 5a. Use lines 5a(i) and 5a(ii) only for taxable qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021.

You MUST complete all three pages of Form 941 and SIGN it.
For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher.

Cat. No. 170012

Form 941 (Rev. 3-2023)

Conde, Karen L

From: Briana Bruneau <bbruneau@erchonia.com>
Sent: Wednesday, January 24, 2024 3:46 PM
To: Conde, Karen L
Subject: RE: Ad Valorem Tax Abatement

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for the quick response,

All operations at our Atlantis Road location have ceased. We sole operate out of South Carolina now.

Briana Bruneau
Erchonia Corporation
WE HAVE RELOCATED OUR CORPORATE HEADQUARTERS!!

Here is our new address.

**Erchonia Headquarters
112 Southchase Blvd
Fountain Inn, SC 29644**

From: Conde, Karen L <Karen.Conde@brevardfl.gov>
Sent: Wednesday, January 24, 2024 3:44 PM
To: Briana Bruneau <bbruneau@erchonia.com>
Subject: RE: Ad Valorem Tax Abatement

Briana,

Good afternoon.

Based upon the information below, your company relocated your operations to South Carolina on October 23. Erchonia has already received the economic development ad valorem tax exemption for calendar year 2023. Erchonia will need to submit the Annual Report (DR-418) and the IRS 941 form to ensure that the company was eligible to receive the exemption for 2023.

Does Erchonia continue to have any operations at 650 Atlantis Road, Melbourne, FL 32904 or have all operations at this facility ceased?

Thank you for your assistance in this matter.

Karen L. Conde
Assistant to County Manager
Brevard County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Suite 301
Viera, FL 32940

Phone: (321) 350-9192

E-Mail: karen.conde@brevardfl.gov

From: Briana Bruneau <bbruneau@erchonia.com>
Sent: Tuesday, January 23, 2024 4:09 PM
To: Conde, Karen L <Karen.Conde@brevardfl.gov>
Subject: Ad Valorem Tax Abatement

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon,

My name is Briana and I took over for Megan Tucek at Erchonia corporation. We just got a notice regarding tax abatement annual report. I was curious if we were required to submit this as we just relocated to South Carolina in October of 23.

Briana Bruneau
Erchonia Corporation

WE HAVE RELOCATED OUR CORPORATE HEADQUARTERS!!

Here is our new address.

**Erchonia Headquarters
112 Southchase Blvd
Fountain Inn, SC 29644**



BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

April 17, 2024

Via Certified Letter # 7020 1810 0001 3178 9736

Steven Shanks, Chief Financial Officer
Erchonia Corporation
650 Atlantis Avenue
Melbourne, FL 32904

Re: Brevard County's Economic Development Ad Valorem Tax Exemption Program
Ordinance Numbers. 2015-20 and 2017-04

Dear Mr. Shanks,

On July 21, 2015, the Board of County Commissioners approved Ordinance 2015-20 which granted Erchonia Corporation an ad valorem tax exemption for a period of 8 years and 80 percent on the company's facility expansion and tangible personal property to be installed at Digital Light Drive in Melbourne. On March 21, 2017, the Board of County Commissioners approved Ordinance 2017-04 which amended Ordinance 2015-20 to reflect that Erchonia Corporation instead intended to construct the improvements and tangible personal property subject to the tax exemption at 650 Atlantis Road in Melbourne.

During the annual review process, Erchonia Corporation placed Brevard County on notice that Erchonia Corporation had relocated out of state. In accordance with Section 1(e) of County Ordinance 2015-20, this letter is to provide notice that the Company no longer qualifies for the County's Ad Valorem Tax Exemption program because it is no longer located in Brevard County. Therefore, County staff is recommending the Brevard County Board of County Commissioners, during a Public Hearing, revoke the County's Ad Valorem Tax Exemption granted to Erchonia Corporation, at the Board's meeting on Tuesday, May 21, 2024, at 9:00 a.m. Attached is a draft of the Agenda Report that will be submitted for the Board's consideration. You may address your correspondence to the following address: 2725 Judge Fran Jamieson Way, Building C, Room 301, Viera, Florida 32940 or you may call Karen Conde at 321-633-2001 if you need additional information.

Sincerely,

Frank Abbate

County Manager

Enclosure

cc: Briana Bruneau
Erchonia Corporation
112 Southchase Boulevard
Fountain Inn, SC 29644



Agenda Report

Public Hearing

DRAFT

2725 Judge Fran Jamieson
Way
Viera, FL 32940

5/21/2024

Subject:

Ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation.

Fiscal Impact:

The fiscal impact associated with this action is Erchonia Corporation would no longer be eligible to receive future ad valorem tax exemptions at the property designated in Ordinance 2017-04, for the economic development incentive granted under Ordinance 2015-20.

If approved, the County would seek claw back of the 2023 exemption granted, in the amount of \$722.10.

Dept/Office:

County Manager

Requested Action:

It is recommended that the Board of County Commissioners consider adopting an Ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation and seeking claw back of the 2023 exemption granted, in the amount of \$722.10.

Summary Explanation and Background:

On July 21, 2015, the Board of County Commissioners granted Erchonia Corporation, an ad valorem tax exemption for a period of 8 years and 80 percent on the company's facility expansion and tangible personal property added to the County's assessment roll. In order to remain eligible for the County's Ad Valorem Tax Exemption Program, Erchonia Corporation, would need to maintain their eligibility as set forth in Ordinances 2015-20 and 2017-04 (as amended). This includes maintaining the expansion of the company's business throughout the entire exemption period.

During the annual review process, Brevard County was placed on notice that Erchonia Corporation relocated out of state in October 2023 and ceased all operations in Brevard County.

On April 17, 2024, a certified letter was sent to Erchonia Corporation, notifying them that the Board of County Commissioners would consider rescinding their tax exemption based upon Erchonia Corporation no longer operating at the location where the economic development ad valorem tax exemption was approved.

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 acknowledgement of filing to the County Manager's Office, the County Attorney's Office, and the EDC of Florida Space Coast at 6525 3rd Street, Suite 304, Rockledge,

5/21/2024

Florida 32955.

DRAFT

RECEIVED

Print Form

FEB 20 2024

ECONOMIC DEVELOPMENT AD VALOREM PROPERTY TAX EXEMPTION Chapter 196.1995, Florida Statutes

DR-418
R. 12/99

Office

Ordinance

To be filed with the Board of County Commissioners, the governing boards of the municipality, or both,
no later than March 1 of the year the exemption is desired to take effect.

2015-2017-14

1 Business name <u>Erethonia Corporation</u>		Mailing address	
2 Please give name and telephone number of owner or person in charge of this business. Name <u>Mark Shanks</u>		112 South Chase Blvd Fountain Inn SC 29644	
3 Exact Location (Legal Description and Street Address) of Property for which this return is filed <u>650 Atlanta Rd Melbourne FL 32904</u>		4 Date you began, or will begin, business at this facility <u>9/6/2016</u>	
5 Description of the improvements to real property for which this exemption is requested <u>Complete Remodel</u>		Date of commencement of construction of improvements <u>May 2016</u>	
6 Description of the tangible personal property for which this exemption is requested and date when property was, or is to be purchased			APPRaiser's USE ONLY
Class or Item	Age	Date of Purchase	Taxpayer's Estimate of Original Cost Cond* Fair Market Rent Cond*
650 Atlanta Rd Melb FL (Facility)	26	5-16-16	\$1,400,000 (Good) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Average value of inventory on hand:			*Condition: good, avg (average), or poor
Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.			
7 Do you desire exemption as a <input type="checkbox"/> new business or <input type="checkbox"/> expansion of an existing business		9 Trade levels (check as many as apply)	
8 Describe type or nature of your business <u>Manufacturing Sales Marketing B2B</u>		<input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Manufacturing <input checked="" type="checkbox"/> Professional <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/> Office <input type="checkbox"/> Other, specify:	
10 Number of full-time employees to be employed in Florida			
If an expansion of an existing business:		Net increase in employment	% 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 <u>2,653,188</u>		divided by	Total sales everywhere from this facility-one (1) location only <u>26,694,942</u> = <u>9.9</u> %
12 For office space owned and used by a corporation newly domiciled in Florida	Date of Incorporation in Florida	Number of full-time employees at this location	
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 <u>2-12-24</u>	Signature, preparer <u>[Signature]</u>		
Signature, taxpayer <u>[Signature]</u>	Preparer's address <u>112 South Chase Blvd Fountain Inn SC 29644</u>		
Title <u>CFO</u>	Preparer's telephone number <u>864-531-0064 ext. 520</u>		
Property Appraiser's Use Only			
I	Total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources		\$
II	Revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section		\$
III	Estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted and the property for which the exemption is requested would otherwise have been subject to taxation		\$
IV	Estimate of the taxable value lost to the county or municipality if the exemption applied for was granted Improvements to real property \$ Personal property \$		
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 <input type="checkbox"/> new business <input type="checkbox"/> expansion of an existing business <input type="checkbox"/> neither		
VI	Last year for which exemption may be applied <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		

Application to be filed not later than March 1

Date

Signature, Property Appraiser

General Information

Ad Valorem property tax exemptions can be granted to new and expanding businesses only after the voters of a city and/or county vote in a referendum to allow that city or county to grant exemptions. Section 198.1995, Florida Statutes, requires that a referendum be held if: (1) The Board of County Commissioners or governing authority of a municipality (city or county commission) votes to hold such a referendum, or (2) if the county or city commission receives a petition signed by ten percent of the registered voters of the county or city. This referendum question can then be placed before the voters of a city or county at any regular election or special election called for voting on the tax incentive referendum or for any other purpose.

If the voters authorize exemptions, a company must first meet the definitions of a new or expanding business as stated in s. 196.012 (15) and (16), F.S.

The expansion must be on the same or a collocated site of the business current operations.

If a business meets one of the above definitions as a new or expanding business, it must then file this application with the county or city commission or both.

After the city or county commission receives this application, it must submit the application to the county property appraiser for review. After the property appraiser makes the report as to the fiscal impact of granting the exemption, the county or city commission shall then adopt an ordinance in the usual manner-granting the exemption, if it chooses to do so.

A business cannot receive exemption from school taxes or water management district taxes. Also a business must pay taxes that were voted by the voters of a city or county to pay for bond issues and other special tax levies authorized by the voters of a city or county.

The exemption can only be for the improvements to the real property and for tangible personal property. The land on which the new or expanding business is to be located will still be taxed and taxes must be paid on it.

The action taken by a city or county commission can only exempt the taxes paid to that governmental body. A city can only exempt its taxes; a county can only exempt its taxes. All other taxes must be paid.

Statutory Definitions

Section 196.011 Annual application required for exemption —

(1)(a) Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

Section 196.012(15) and (16), Florida Statutes (15) "New business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant;

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by s.220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

3. An office space in this state owned and used by a corporation newly domiciled in this state; provided such office space houses 50 or more full-time employees of such corporation; provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(b) Any business located in an enterprise zone that first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(c) A new business that is situated on property annexed into a municipality and that, at the time of annexation, is receiving an economic development ad valorem tax exemption from the county under s. 196.1995.

(16) "Expansion of an existing business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible

personal property at a fixed location and which comprises an industrial or manufacturing plant; or

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by s. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; provided that such business increases operation on a site collocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

(b) Any business located in an enterprise zone that increases operations on a site collocated with a commercial or industrial operation owned by the same business.

Section 196.1995 Economic development ad valorem tax exemption.—

(6) With respect to a new business as defined by s. 196.012(15)(c), the municipality annexing the property on which the business is situated may grant an economic development ad valorem tax exemption under this section to that business for a period that will expire upon the expiration of the exemption granted by the county. If the county renews the exemption under subsection (7), the municipality may also extend its exemption. A municipal economic development ad valorem tax exemption granted under this subsection may not extend beyond the duration of the county exemption.

Section 220.15(5), Florida Statutes.

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(a) As used in this subsection, the term "sales" means all gross receipts of the taxpayer except interest, dividends, rents, royalties, and gross receipts from the sale, exchange, maturity, redemption, or other disposition of securities. However:

1. Rental income is included in the term if a significant portion of the taxpayer's business consists of leasing or renting real or tangible personal property; and

2. Royalty income is included in the term if a significant portion of the taxpayer's business consists of dealing in or with the production, exploration, or development of minerals.

(b)1. Sales of tangible personal property occur in this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier.

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

(c) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trust, and brokerage companies, occur in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;

2. Gross profits from trading in stocks, bonds, or other securities managed within this state;

3. Interest received within this state, other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state, and dividends received within this state;

4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts;

5. Interest, fees, commissions, or other charges or gains from loans secured by mortgages, deeds of trust or other liens upon real or tangible personal property located in this state or from installment sale agreements originally executed by a taxpayer or the taxpayer's agent to sell real or tangible personal property located in this state;

6. Rents from real or tangible personal property located in this state; or

7. Any other gross income, including other interest, resulting from the operation as a financial organization within this state.

In computing the amounts under this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue code, but without reference to whether any such corporation is an "includeable corporation" under s. 1504(b) of the Internal Revenue code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

Form 941 for 2023: Employer's QUARTERLY Federal Tax Return
 (Rev. March 2023) Department of the Treasury — Internal Revenue Service

950122

OMB No. 1545-0029

Employer identification number (EIN)		[] [] - [] [] [] [] [] []	
Name (not your trade name)		ERCHONIA CORP LLC	
Trade name (if any)		[] [] [] [] [] [] [] []	
Address		112 SOUTHCHASE BLVD	
Number	Street	Suite or room number	
FOUNTAIN INN		SC	29644
City	State	ZIP code	
[] [] [] [] [] [] [] []		[] [] [] [] [] [] [] []	
Foreign country name		Foreign postal code	

Report for this Quarter of 2023
 (Check one.)

- ☐ 1: January, February, March
- ☐ 2: April, May, June
- ☐ 3: July, August, September
- ☒ 4: October, November, December

 Go to www.irs.gov/Form941 for instructions and the latest information.

1171598.28 x 4 =
 4686393.12 = 83
 516462.57

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1	Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), or Dec. 12 (Quarter 4)	1	83																												
2	Wages, tips, and other compensation	2	1171598.28																												
3	Federal income tax withheld from wages, tips, and other compensation	3	151430.98																												
4	If no wages, tips, and other compensation are subject to social security or Medicare tax	<input type="checkbox"/> Check and go to line 6.																													
<table border="1"> <thead> <tr> <th></th> <th>Column 1</th> <th></th> <th>Column 2</th> </tr> </thead> <tbody> <tr> <td>5a</td> <td>Taxable social security wages*</td> <td>831156.37</td> <td>103063.38</td> </tr> <tr> <td>5a (i)</td> <td>Qualified sick leave wages*</td> <td>.</td> <td>.</td> </tr> <tr> <td>5a (ii)</td> <td>Qualified family leave wages*</td> <td>.</td> <td>.</td> </tr> <tr> <td>5b</td> <td>Taxable social security tips</td> <td>.</td> <td>.</td> </tr> <tr> <td>5c</td> <td>Taxable Medicare wages & tips</td> <td>1226204.95</td> <td>35559.94</td> </tr> <tr> <td>5d</td> <td>Taxable wages & tips subject to Additional Medicare Tax withholding</td> <td>307083.93</td> <td>2763.76</td> </tr> </tbody> </table>					Column 1		Column 2	5a	Taxable social security wages*	831156.37	103063.38	5a (i)	Qualified sick leave wages*	.	.	5a (ii)	Qualified family leave wages*	.	.	5b	Taxable social security tips	.	.	5c	Taxable Medicare wages & tips	1226204.95	35559.94	5d	Taxable wages & tips subject to Additional Medicare Tax withholding	307083.93	2763.76
	Column 1		Column 2																												
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5c	Taxable Medicare wages & tips	1226204.95	35559.94																												
5d	Taxable wages & tips subject to Additional Medicare Tax withholding	307083.93	2763.76																												
5e	Total social security and Medicare taxes. Add Column 2 from lines 5a, 5a(i), 5a(ii), 5b, 5c, and 5d	5e	141387.08																												
5f	Section 3121(q) Notice and Demand—Tax due on unreported tips (see instructions)	5f	.																												
6	Total taxes before adjustments. Add lines 3, 5e, and 5f	6	292818.06																												
7	Current quarter's adjustment for fractions of cents	7	.																												
8	Current quarter's adjustment for sick pay	8	.																												
9	Current quarter's adjustments for tips and group-term life insurance	9	.																												
10	Total taxes after adjustments. Combine lines 6 through 9	10	292818.06																												
11a	Qualified small business payroll tax credit for increasing research activities. Attach Form 8974	11a	.																												
11b	Nonrefundable portion of credit for qualified sick and family leave wages for leave taken before April 1, 2021	11b	.																												
11c	Reserved for future use	11c	.																												

*Include taxable qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2021, and before October 1, 2021, on line 5a. Use lines 5a(i) and 5a(ii) only for taxable qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021.

You MUST complete all three pages of Form 941 and SIGN it.

For Privacy Act and Paperwork Reduction Act Notice, see the back of the Payment Voucher.

Cat. No. 17001Z

Form 941 (Rev. 3-2023)

Name (not your trade name) ERCHONIA CORP LLC	Employer identification number (EIN)
--	--------------------------------------

Part 1: Answer these questions for this quarter. (continued)

11d Nonrefundable portion of credit for qualified sick and family leave wages for leave taken after March 31, 2021, and before October 1, 2021	11d	
11e Reserved for future use	11e	
11f Reserved for future use		
11g Total nonrefundable credits. Add lines 11a, 11b, and 11d	11g	
12 Total taxes after adjustments and nonrefundable credits. Subtract line 11g from line 10	12	292818.06
13a Total deposits for this quarter, including overpayment applied from a prior quarter and overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-X (SP) filed in the current quarter	13a	292818.06
13b Reserved for future use	13b	
13c Refundable portion of credit for qualified sick and family leave wages for leave taken before April 1, 2021	13c	
13d Reserved for future use	13d	
13e Refundable portion of credit for qualified sick and family leave wages for leave taken after March 31, 2021, and before October 1, 2021	13e	
13f Reserved for future use	13f	
13g Total deposits and refundable credits. Add lines 13a, 13c, and 13e	13g	292818.06
13h Reserved for future use	13h	
13i Reserved for future use	13i	
14 Balance due. If line 12 is more than line 13g, enter the difference and see instructions	14	
15 Overpayment. If line 13g is more than line 12, enter the difference		

Check one: ☐ Apply to next return. ☐ Send a refund.**Part 2: Tell us about your deposit schedule and tax liability for this quarter.**

If you're unsure about whether you're a monthly schedule depositor or a semiweekly schedule depositor, see section 11 of Pub. 15.

16 Check one: ☐ Line 12 on this return is less than \$2,500 or line 12 on the return for the prior quarter was less than \$2,500, and you didn't incur a \$100,000 next-day deposit obligation during the current quarter. If line 12 for the prior quarter was less than \$2,500 but line 12 on this return is \$100,000 or more, you must provide a record of your federal tax liability. If you're a monthly schedule depositor, complete the deposit schedule below; if you're a semiweekly schedule depositor, attach Schedule B (Form 941). Go to Part 3.

☐ You were a monthly schedule depositor for the entire quarter. Enter your tax liability for each month and total liability for the quarter, then go to Part 3.

Tax liability: Month 1	
Month 2	
Month 3	
Total liability for quarter	

Total must equal line 12.

☒ You were a semiweekly schedule depositor for any part of this quarter. Complete Schedule B (Form 941), Report of Tax Liability for Semiweekly Schedule Depositors, and attach it to Form 941. Go to Part 3.

You MUST complete all three pages of Form 941 and SIGN it.

Name (not your trade name)

ERCHONIA CORP LLC

Employer identification number (EIN)

Part 3: Tell us about your business. If a question does NOT apply to your business, leave it blank.

17 If your business has closed or you stopped paying wages ☐ Check here, and enter the final date you paid wages / / ; also attach a statement to your return. See instructions.

18 If you're a seasonal employer and you don't have to file a return for every quarter of the year ☐ Check here.

19	Qualified health plan expenses allocable to qualified sick leave wages for leave taken before April 1, 2021	19	<input type="text"/>
20	Qualified health plan expenses allocable to qualified family leave wages for leave taken before April 1, 2021	20	<input type="text"/>
21	Reserved for future use	21	<input type="text"/>
22	Reserved for future use	22	<input type="text"/>
23	Qualified sick leave wages for leave taken after March 31, 2021, and before October 1, 2021	23	<input type="text"/>
24	Qualified health plan expenses allocable to qualified sick leave wages reported on line 23	24	<input type="text"/>
25	Amounts under certain collectively bargained agreements allocable to qualified sick leave wages reported on line 23	25	<input type="text"/>
26	Qualified family leave wages for leave taken after March 31, 2021, and before October 1, 2021	26	<input type="text"/>
27	Qualified health plan expenses allocable to qualified family leave wages reported on line 26	27	<input type="text"/>
28	Amounts under certain collectively bargained agreements allocable to qualified family leave wages reported on line 26	28	<input type="text"/>

Part 4: May we speak with your third-party designee?

Do you want to allow an employee, a paid tax preparer, or another person to discuss this return with the IRS? See the instructions for details.

☐ Yes. Designee's name and phone number

Select a 5-digit personal identification number (PIN) to use when talking to the IRS.

☐ No.

Part 5: Sign here. You MUST complete all three pages of Form 941 and SIGN it.

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Sign your name here

W. Corwin

Print your name here

W CORWIN

Print your title here

ADP ATTY-IN-FACT

Date 01/31/24

Best daytime phone 877-706-0510

Paid Preparer Use Only

Check if you're self-employed ☐

Preparer's name

PTIN

Preparer's signature

Date

/ /

Firm's name (or yours if self-employed)

EIN

Address

Phone

City

State

ZIP code

Schedule B (Form 941):

Report of Tax Liability for Semiweekly Schedule Depositors

(Rev. January 2017)

Department of the Treasury — Internal Revenue Service

OMB No. 1545-0029

Employer identification number (EIN)

Name (not your trade name)

ERCHONIA CORP LLC

Calendar year

2	0	2	3
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(Also check quarter)

Report for this Quarter...

(Check one.)

- ☐ 1: January, February, March
- ☐ 2: April, May, June
- ☐ 3: July, August, September
- ☒ 4: October, November, December

Use this schedule to show your TAX LIABILITY for the quarter; don't use it to show your deposits. When you file this form with Form 941 or Form 941-SS, don't change your tax liability by adjustments reported on any Forms 941-X or 944-X. You must fill out this form and attach it to Form 941 or Form 941-SS if you're a semiweekly schedule depositor or became one because your accumulated tax liability on any day was \$100,000 or more. Write your daily tax liability on the numbered space that corresponds to the date wages were paid. See Section 11 in Pub. 15 for details.

Month 1

[illegible]

Tax liability for Month 1

78432.69

Month 2

1		9	63021.11	17		25	
2		10		18		26	
3		11		19		27	
4		12		20		28	
5		13		21		29	
6		14		22	30775.60	30	
7		15		23		31	
8		16		24			

Tax liability for Month 2

93796.71

Month 3

1		9		17		25	
2		10		18		26	
3		11		19		27	10454.92
4	10736.27	12		20		28	
5		13		21		29	10304.52
6		14		22	30317.68	30	
7		15		23		31	
8	58775.21	16		24			

Tax liability for Month 3

120538.66

Fill in your total liability for the quarter (Month 1 + Month 2 + Month 3) ►

Total must equal line 12 on Form 941 or Form 941-SS.

Total liability for the quarter

292818.06

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on May 21, 2024, at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida, 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 2024-_____

AN ORDINANCE REPEALING ORDINANCE 2015-20 AND ORDINANCE 2017-04 GRANTING TO ERCHONIA CORPORATION, CERTAIN AD VALOREM TAX EXEMPTIONS, FOR FAILURE TO MEET THE CRITERIA FOR SUCH EXEMPTIONS; AND PROVIDING AN EFFECTIVE DATE.

Interested parties may appear at the May 21, 2024, meeting and be heard with respect to the proposed ordinance. A copy of the draft ordinance may be inspected at the following locations:

- Office of Clerk to the Board of County Commissioners, Titusville, Florida
- Titusville Public Library, Titusville, Florida
- Catherine Schweinsberg Rood Central Library, Cocoa, Florida
- Melbourne Public Library, Melbourne, Florida
- South Mainland/Micco Public Library, Micco, Florida

A copy of the draft ordinance may also be viewed online at:

<https://brevardfl.gov/AdvisoryBoardAgendasAndMinutes>

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 herein, he or she will need a record of the proceeding, 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) 633-2001, at least 48 hours in advance. TDD:1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the Sound Technician at the meeting. This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Brighthouse 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.

See Proof on Next Page

COLUMN SOFTWARE, PBC

STATE OF FLORIDA

COUNTY OF BREVARD COUNTY

Before the undersigned authority personally appeared Laquansay Nickson Watkins, who on oath says that he or she is an authorized agent of Column software, PBC; that the attached copy of advertisement, being a legal advertisement or public notice in the matter of Notice of PH - Erchonia Corporation, was published on the publicly accessible website of Brevard County County, hosted by Column Software, PBC on Apr. 26, 2024

Affiant further says that the website complies with all legal requirements for publication in chapter 50, Florida Statutes.

PUBLICATION DATES:

Apr. 26, 2024

Notice ID: WTE2OEixD12cbAthlbmn

Notice Name: Notice of PH - Erchonia Corporation

PUBLICATION FEE: \$0.00

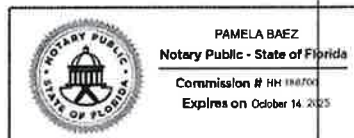
Signed by:

Laquansay Nickson Watkins, as authorized signatory of Column Software, PBC

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 04/29/2024





Notary Public
Notarized remotely online using communication technology via Proof.



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For public notices online, go to <http://brevardfl.columnn.us>