

**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.



# FLORIDA'S SPACE COAST



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

MEMORANDUM

- 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**-<u>08</u>

# 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.

<u>Section 3</u>. <u>Effective Date</u> - 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.

<u>Section 4</u>. 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 <u>21st</u> day of <u>May</u>, 2024.

ATTEST: Rache

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

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

Replacement

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AGENDA Section **Public Hearing** Item IV D No.

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

e.	
SUBJECT:	Economic Development Tax Exemption Ordinance
	Erchonia Corporation
DEPT/OFFICE:	Administrative Services Group / County Manager's Office
Requested Acti	on:
It is requested	that the Board of County Commissioners consider adopting an Economic Development Ad

Valorem Exemption Ordinance for Erchonia Corporation.

Summary Explanation & Background:

**Meeting Date** 

July 21, 2015

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 <del>39</del> 35 new full time jobs with an average wage of \$62,000 and invest \$5,300,000 in new capital expenditures.

Erchonia Corporation meets the eligibility criteria as defined by Florida Statutes under Chapter 196.012(16) (a) 1. As a business new or expanding in Brevard County.

"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".

The EDC has made a recommendation that Erchonia Corporation be provided an abatement of 80% for 8 years.

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.

Fiscal Impact: 2015-2016 No fiscal impact until company moves into and builds out facility Fiscal Impact: 2016-2017 Fiscal Impact will be the amount of ad valorem taxes exempted.

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.

Contract /Agreement ( Attorney	If attached	): Reviewed by County	Yes	N O		PR [_]	
County Manager	WN	Assistant County Manager	-J		Depart	ment Director / Extension	
Stockton Whitten		Assistant County Manager			1		

## 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:

<u>Section 1</u>. 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, FI. 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.

<u>Section 2</u>. <u>Severability</u> - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

<u>Section 3.</u> <u>Effective Date</u> - 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, Chepter 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 axpand 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 confingent upon County approval) may constitute grounds for disapproval. Projects, which clearly do not require inducement, will not be approved.

- Length of examption requested is total of <u>10</u> years (length of examption approved is cale discretion of County Commission and commances 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 & Replat of Track B BLK B PB 43 PG 28 Lot 31 BLK B.

Telephone No. (214)\_544-2227

FAX No. (214)344-2228

3. Authorized Agent: Mark Shenks

Address: 2021 Commerce Dr., McKinney, TX 75069

Telephone Number: (214) 544-2227 Fax No. (214) 544-2228

- Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan): Medical Lasers for healthcare and 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 peid by position); <u>39 (Full Time)</u>
- 7. Percent increase in overall employment: T8D
- 8. Expected number of new employees who will reside in Brevard County: 35 (Full Time)
- 9. Percentage of existing amployees who have resided in the County for more than two years: 0
- 10. Anticipated average wage of employees: \$62,000
- 11. Anticipated average annuel payroll: \$2,600,000 (Including part time)
- Anticipated new capital investment as a result of expension 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 poliution, water and sewer, dredge and fill, stormwater, industrial wastewater; provide a brief narrelive 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

Type of Industry or business: Manufacturing-Medical

% source of supplies Floride: <u>TBD</u> % source of supplies out-of-state: <u>TBD</u>

17. Business is/will be located in a community redevolopment 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 egree upon approval of the Economic Development Ad Velorem Tax Abstement Ordinance by the Breverd County Board of County Commissioners that Erchonia Corporation will provide the Brevard Workforce its job openings to be posted on <u>www.employfioride.com</u> and agrees to consider for employment candidates referred by Brevard Workforce.

ATE: 5/29/15	SIGNED:			
SNED: Muck Marks		(Preperer)		
(Applicant)		(Praparer's Address)		
rle: Urb		(Preparer's Telephone Number)		

#### ECONOMIC DEVELOPMENT COMMISSION (EDC) USE ONLY

EDC Economic impact Analysis:

#### EDC's Recommandation:

The Economic Development Commission of Flarida'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 EOC has conducted an economic impact analysis, applying acceptable multiplians 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 County County County County County 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 US	EONLY	a the second
County Manager's Recomment	lation:		
· · · · · · · · · · · · · · · · · · ·			<u> </u>
DATE:	SIGNED:	(County Manager)	

#### BREVARD COUNTY ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION Chapter 198, 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; 2021Commerce Dr. McKinnev, TX 75069

2. Name of person in charge of business: Mark Shanks

Telephone No.:(\_214\_\_)\_544-2227\_\_\_FAX\_No.: (\_\_214\_\_\_) 544-2228

- 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
- - b. Dete of commencement of construction of improvements: <u>Q4-2015</u>

6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:

Texpayer's Estimate of
-07

Taxpayer's

APPRAISER'S		Date		Condition	Estimale	of	USE
ONLY Class or Rem	Age	of Purchase	Original Cost		Feir Marke Value	×	
Manufacturing Equipment and tools	9yrs	2006	\$450.000	G	\$250,000	24	108,000
Transportation Equipment	fiyrs	2001	\$161,000	G	\$80,000	10	16,100
Furniture and Fixtures	7yrs	2007	\$203;000	G	\$100,000	,35	71050
Computer Equipment	2 yrs	2013	\$264,000	G	\$200,000	40	= 105,600
						Ħ	
						Π.	300,750

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 (Tengible Personal Property Tex Return) and a copy attached to this form.

7. Do you desire exemption as a "New Business" ( X ) or as an "Expansion of an Existing Business" ( )

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

9, Trade fevel (check as many as apply):

(1 (2

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

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

(DR 418)

Ь.

If an expansion of an existing business:

D	Net increase in employment	or %	
ž)	Increase in productive output re	sulting from this expansion%	

11. Sales factor for the facility requesting exemption:

Total sales in Florida from this facility - one (1) location only \$700,600 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

а, Date of incorporation in Florida Number of full-time employees at this location\_ b.

If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the Commission, City Commission, or Property Appreiser. 13. County

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 valorem taxation or ine above property porsulin 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 registor to the exemption requested harein. I hereby cartify that the information and valuation stated above by me is true, correct, and complete to the bast 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.)

DAT	E: 5/29/15	Signed: (Praparer)
SIGN	(Taxpayer)	(Preparer's Address)
TITLE	E: CAPO	(Preparer's Telephone Number)
	PROPERTY APPRASER	S USE ONLY
۱.	Total revenue available to the County or municipality for the or	Internet fiscal year from ad valoram tex sources:
u.	Revenue lost to the County or municipality for the current fiscal year	by virtue of examplions previously granted under this section:
Ш. Инф	Estimate of the revenue which will be lost to the County during the ou property for which the examption is requested otherwise been subject	prontifical year if the exemption applied for were granted had to taxadion; $17,414.88$
IV.	Estimate of the taxable value lost to the County or municipality if the Improvements to real property 2, 205,000 Personal	exemption applied for were granted: Property
v.	I have determined that the property listed above meets the definition, a New Business [ ], on Expansion of an Existing Business [ ], or N	leither [ ].
и	Last year for which exampling may be applied: DPOPA DEAT 1	Noon the Thimber of Wears, gran

Bully DATE: 7-13-15 SIGNED:

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 Vlera, 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 27.36.23.77.000B.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. 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





# 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/sl

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 (3LT®) 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, agencyapproved 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 &\$\$2-242-0571 Toll Free www.erchonia.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.erchonia.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.

- Length of exemption requested is total of <u>10</u> 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 Track B BLK B P8 43 PG 28 Lot 31 BLK B.

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
- Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan): <u>Medical Lasers for healthcare and aesthetic applications</u>. Possible relocation to Brevard County
- 6. Anlicipated 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): <u>35 (Full Time)</u>
- 7. Percent Increase in overall employment: TBO
- 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 capitel 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. bir, soil and water pollution, water and sever, 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.

- 15. The relocation or expansion would not occur without the exemption: Yes [ ] No [X]
- Source of supplies (local or otherwise):

% source of supplies County: <u>TBD</u>

% source of supplies Florida: <u>TBD</u> % source of supplies out-of-state: <u>TBD</u>

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 <u>www.employflorida.com</u> and agrees to consider for employment candidates referred by Brevard Workforce.

DATE: 5/29/15	SIGNED:	
Van klink li		(Preparer)
(Applicant)		(Preparer's Address)
TITLE: CFD		(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 hareby certifies that it has proof, to the satisfaction of the EDC, that the applicant meets the citeria 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.

OATE: 7/15/2015	SIGNED:	- oment
- 11 - 11 - 11 - 11 - 11 - 11 - 11 - 1	COUNTYUSE ONLY	
County Manager's Recomme	Idation:	
DATE:	SIGNED: (County Manager)	

141

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

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: 2021Commerce Dr. McKinney, TX 75069

2. Name of person in charge of business: Mark Shanks

Telephone No.:(\_214\_\_)\_544-2227\_\_\_\_FAX No.: (\_\_214\_\_\_) 544-2228

- 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:

Taxpayer's

APPRAISER'S ONLY Class or Item	Age	Date of Purchese	Original Cost	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	
Fumiture and Fixtures	7yrs	2007	<b>\$203,000</b>	G	\$100,000	
Computer Equipment	2 yrs	2013	\$264,000	G	\$200,000	
x						

b. Average value of inventory on hand: 2014 = <u>\$1,100.000</u>

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" [ X ] or as an "Expansion of an Existing Business" [ ]

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

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

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: 5/24/15	Signed:
	(Preparer)
(Taxpayer)	(Preparer's Address)
ITLE: CFD	
	(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:
н.	Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section:
lii. the	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:
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
<b>V</b> .	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 [ ].
<b>√</b> I.	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
			2



**County Tax Impact** 



# **Erchonia Corporation**

**Brevard County, FL** 

07/14/15

<b>Overview:</b> New Job Commitment: Average Annual Wage:	35 \$62,000	Capital Investment:	\$5,300,000
Economic impact from jo	b creation	•	
Jobs	Net l	New Wage	Contribution to GDP
35 (Direct)	\$2,17	0,000 (Direct)	\$4,148,433 (Direct)
19 (Indirect)	\$99	8,254 (Indirect)	\$1,770,428 (Indirect)
17 (Induced)	\$61	5,632 (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.

'ears 1-10	Annual Ta	xes on Construction
Projected Tax Assessed	\$	37,047.91
Potential Abatement	\$	14 <b>,97</b> 3.29
Net New Revenue to County	\$	22,074.62
	Annual Taxes o	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	
Analysis based on information supplied by Erchor	nia 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 1 4 2015

County Manager's Office

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

STATE OF FLORIDA COUNTY OF BREVARD: Before the undersigned authority personally appeared <u>Kim Curro</u>, who on oath says that he or she is a Legal Advertising Representative of the <u>FLORIDA TODAY</u>, 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 <u>FLORIDA TODAY</u> 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 coporation 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



ADV 575153 07/10/2015 NOTICE OF PUBLIC HEARING OT COUNTY Commissioners of Brevard 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, Burlding C First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance

ORDINANCE NO 2015-AN ORDINANCE GRANTING AN ECO-NOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ERCHONIA CORPORA-TION, SPECTRYING THE ITEMS EXEMPTI-ED, PROVIDING THE EXPIRATION DATE ED, PROVIDING THE EXPIRATION DATE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(8) E.S. PROVIDING FOR PROOF OF EUGIBILITY FOR EXEMP FOR PROOF OF EUGIBILITY FOR EXEMP TION, ERCHONIA CORPORATION, PRO-VIDING AN EFFECTIVE DATE

VIDING AN EFFECTIVE DATE All persons for or against said ordinance can be heard at said time and place. If a person clockdes to appeal any decision made by the bagrd time and place. If a person clockdes to appeal any decision made by the bagrd time and place. If a person decides to appeal any decision made by the bagrd time any decision made by the bagrd time any decision the appeal of the bagrd time any decision the appeal by association of the proceedings of made avoid persons shall be ment if the department sponsoring the hearing is control persons shall be ment if the department sponsoring the sponsoring any person wishing as statice. The sponoring department she Administrative services offlice, telephone Number (321)632:001 A copy of the ordinance may be insported at: www.sreward.county.us/busines/publich barings county.Goversment. Center, Building c County Managers Office

By order of the Board of County Com missioners 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:

<u>Section 1</u>. 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, FI. 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.

<u>Section 2</u>. <u>Severability</u> - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

<u>Section 3.</u> <u>Effective Date</u> - 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

STATE OF FLORIDA COUNTY OF BREVARD This is to certify that the foregoing SMGNCP is a true and current copy of / )rc witness my hand 15-20 and official seal this day of 20 15 111 SCOTT EALIS, Clerk of Circuit Court D.C.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

By: Rd ner, Chairman bin Fig

As approved by the Board on 07/21/2015

## **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 ORIGNALLY 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 valorent 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, FI.

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 advalorem 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 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:

Scott Ellis, Clerk

**Brevard County Board of County Commissioners** 

BY:

Curt Smith, Chairman

As approved by the Board on March 21, 2017



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

BOARD OF COUNTY COMMISSIONERS Frank Abbate, County Manager

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. An ordinance revoking 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,

Ken Conde

Karen Conde Assistant to the County Manager

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

Attachments (2)

Phone: (321) 633-2001 • Fax: (321) 633-2115 Website: BrevardFL.gov

Print Form

# ECONOMIC DEVELOPMENT AD VALOREM PROPERTY TAX EXEMPTION

Chapter 196.1995, Florida Statutes

DR-418 R. 12/99

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. 2015-207-12

_			er man March	1 of the yea	ir the exemp	ption is d	lesired to	take effect	6	0		
	Business name		nan in chamb of i	this husiness	Mailing add	17058						
	Please give name and telepho	ale number of owner of per	BOU IN CHANGE OF	una pusoissa.	Telephone	oumbor					_	
	Name Exact Location (Legal De	ection and Street A	ddmee) of Dm	nerty for w					4 Date you	hagen or y		
										siness at th		
5	Description of the improv	rements to real propert	ty for which thi	is exemption	n is request	be			Date of comm construction of			
6 (	Description of the tangible	personal property for wi	hich this exemp	ntion is reque	sted and dat	a when p	property w	as, or is to b	e purchased	APPR	AISER'S	USE ONLY
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<u> </u>	Do you desire exemptio		ess or 🗌 ex	pansion of a	an existing	busines	s		evels (che			•
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10	Number of full-time e	mployees to be em	ployed in Flo	orida								
	If an expansion of an		Net increase in employment						oductive out this expans			%
11	Sales factor for the fa	acility requesting ex	emption:									
	Total sales in Florida fr facility-one (1) location				al sales ever lity-one (1) l					=	-	%
12	For office space own corporation newly do	ed and used by a	Date of inco	poration				Number o	f full-time s at this loc	cation		
I he	areby request the adoption			notion from a	ad valorem t	axation					196,199	5. Florida
Sta Pro con	tutes. I agree to furnish a perty Appraiser may req rect, and complete to the ich he has any knowledg	such other reasonable uest in regard to the e best of my knowledge	information a semption requ	s the Board Jested here	of County C In. I hereby	Commiss certify th	xioners, th at the info	e governin simation an	g authority o id valuation	if the mur stated ab	nicipality, o nove by ma	or the e is true,
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V		cemption may be appli					1.11					
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Application to be filed not later than March 1

Date

	941 for 2023: Employ arch 2023) Department of	the Treasury - Inte	amal Revenu	a Service		Nern		OMB No. 1545-00
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1	Number of employees who received		other con	npensation	for the pa	y period		
	including: Mar. 12 (Quarter 1), June 12	? (Quarter 2), Se	pi. 12 (Qu	arter 3), or l	Dec. 12 (Q	uarter 4)	1	
2	Wages, tips, and other compensatio	<b>n</b>					2	
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3	Federal income tax withheld from wa	ages, tips, and	other con	npensation	•••	• • •	3 [	
4	If no wages, tips, and other compension	sation are subj	ect to soc	ial socurity	or Medic	are tax	(	Check and go to line 6.
	• • • • • •	Colum				lumn 2		c
5a	Taxable social security wages*			× 0.124 =				* Include taxable qualified sick and family leave wages paid in this
5a	(i) Qualified sick leave wages* .		( <b>8</b> .)	× 0.062 =				quarter of 2023 for leave taken after March 31, 2021, and before
5a	(ii) Qualified family leave wages* .			× 0.062 =			к — I	October 1, 2021, on line 5a. Use lines 5e(i) and 5a(ii) only for taxable
5b	Taxable social security tips			× 0.124 =		,		qualified sick and family leave wages paid in this quarter of 2023
5c	Taxable Medicare wages & tips			× 0.029 =				for leave taken after March 31, 2020, and before April 1, 2021.
5d	Taxable wages & tips subject to			1				
	Additional Medicare Tax withholding			× 0.009 =				
5e	Total social security and Medicare tax	es. Add Column	2 from line	s 5a, 5a(), 5a	a(ii), 5b, 5c,	and 5d	5e	
	Section 3121(q) Notice and Demand	Tex due en u		<b>l tino</b> (non ir	octauctions	•	51	
51	Section 3121(g) Notice and Demand		nreportet	1 uha (ace u	180 000013		, ou f	
6	Total taxes before adjustments. Add	l lines 3, 5e, and	5f	••••		• • •	6	•
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9	Current quarter's adjustments for tij	ps and group-to	erm life in	surance .			9	
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	Qualified small business payroll tax cr		nn resear	ch activities	. Attach Fo	<b>m 897</b> 4	11a	•
18		edit for increasi	ing resources					
1a 1b	Nonrefundable portion of credit for	qualified sick a				ve taker	116	
	Nonrefundable portion of credit for	qualified sick a	und family			ve taker		•

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

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## Conde, Karen L

From:	Briana Bruneau <bbruneau@erchonia.com></bbruneau@erchonia.com>
Sent:	Wednesday, January 24, 2024 3:46 PM
То:	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 <<u>bbruneau@erchonia.com</u>> Sent: Tuesday, January 23, 2024 4:09 PM To: Conde, Karen L <<u>Karen.Conde@brevardfl.gov</u>> 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



**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 ank Abbate

County Manager

Enclosure

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





Public Hearing

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.



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Application to be filed not later than March 1

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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 tex incentive referendum or for any other purpose.

If the voters authorize exemptions, a company must first meet the definitions of a new or expending business as stated in s. 196.012 (15) and (16), F.S. The expansion must be on the same or a colocated 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 tills to real or personal property, except inventory, which is entitled by law to axemption 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 cartifying 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 dearly 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 colocated 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 colocated with a commercial or industrial operation owned by the same business.

#### Section 198.1995 Economic development ad valorem tax exemption.-(6) With respect to a new business as defined

(6) With respect to a new business as defined by s. 196.012(15)(c), the municipality annaxing the properly 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 acconomic development ad valorem tax exemption granted under thile 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,

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

 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 growerparticipant to a Elorida processor, the seles factorfor the growers for such citrus fruit delivered to such processor shall be the same as the seles factor for the most recent taxable year of that processor. That seles factor, expressed only as a percentage and not in terms of the dollar volume of seles, so as to protect the confidentiality of the seles of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

 Reimbursement of expenses under an agency contract between a cooperative, a growermember of a cooperative, or a grower and a processor is not a sate 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;

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

 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;

 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 sate agreements originally executed by a taxpayer or the laxpayer'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

 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 (detarmined under s. 1504(a) of the Internal Revenue code, but without reference to whether any such corporation is an "includeble 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.

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5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab Additio 5e Total s 5f Sectio 8 Total t	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand-	1226204 95 1226204 95 307083 93 s. Add Column 2 from lines Tax due on unreported f	× 0.062 = × 0.062 = × 0.124 = × 0.029 = × 0.029 = 5a, 5a(i), 5a(ii), 5 tips (see Instru	35559 . 2763 . 5b, 5c, and 5d	94 96 5e 51	family leave wage's 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 taxabit qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021. 141387_008
5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab Additio 5e Total s 5f Sectio 8 Total t 7 Currer	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand- taxes before adjustments. Add I	1226204 95     1226204 95     307083 93     s. Add Column 2 from lines     Tax due on unreported fines 3, 5e, and 5f tions of cents	× 0.062 = × 0.062 = × 0.124 = × 0.029 = × 0.009 = 5a, 5a(i), 5a(ii), 5 Nps (see instru	35559 . 2763 . 5b, 5c, and 5d	94 96 5e 51	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 taxabi qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021. 141387_008
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5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab Addition 5e Total s 5f Section 8 Total t 7 Curren 8 Curren 9 Curren	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand- taxes before adjustments. Add I nt quarter's adjustment for frac nt quarter's adjustment for sick	Image: state of the state	× 0.062 = × 0.062 = × 0.124 = × 0.029 = × 0.029 = 5a, 5a(i), 5a(ii), 5 Nps (see Instru	35559 2763 5b, 5c, and 5d ctions) 	5e 5f 7	family leave wage's 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 taxabi qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021. 141387_08 
5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab Addition 56 Total s 57 Section 8 Total s 7 Currer 8 Currer 9 Currer 9 Currer	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand- taxes before adjustments. Add I int quarter's adjustment for frac int quarter's adjustment for sick int quarter's adjustments for tips	1226204 95     1226204 95     307083 93     s. Add Column 2 from lines     Tax due on unreported f ines 3, 5e, and 5f     tions of cents     pay     s and group-term life inse ne lines 6 through 9	× 0.062 = × 0.062 = × 0.124 = × 0.029 = × 0.009 = 5a, 5a(i), 5a(ii), 5 Nps (see instru 	35559 2763 5b, 5c, and 5d ctions)  	24 59 51 6 7 8 9 10	family leave wage's 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 taxabi qualified sick and family leave wages paid in this quarter of 2023 for leave taken after March 31, 2020, and before April 1, 2021. 141387_08 
5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab 5d Taxab Additi 5e Total s 5f Sectio 6 Total 1 7 Currer 8 Currer 9 Currer 9 Currer 10 Total 1 1a Qualifi	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand- taxes before adjustments. Add I int quarter's adjustment for frac int quarter's adjustment for sick int quarter's adjustment for sick int quarter's adjustments. Combin taxes after adjustments. Combin ied small business payroll tax cre ifundable portion of credit for q	Image:	<ul> <li>× 0.062 =</li></ul>	35559 . 2763 . 5b, 5c, and 5d ctions)       	54 54 55 6 7 8 9 10 11a	family leave wage's 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. 141387_08 292818_06
5a (ii) Qu 5b Taxab 5c Taxab 5d Taxab 5d Taxab 5d Taxab Addition 5e Total s 5f Section 8 Total s 7 Currer 8 Currer 9 Currer 9 Currer 10 Total s 11 Qualifi 15 Nonred before	ualified family leave wages* . ble social security tips ble Medicare wages & tips ble Medicare wages & tips ble wages & tips subject to ional Medicare Tax withholding social security and Medicare taxes on 3121(q) Notice and Demand- taxes before adjustments. Add I nt quarter's adjustment for frac int quarter's adjustment for sick int quarter's adjustments for tips taxes after adjustments. Combin ied small business payroll tax cre ifundable portion of credit for q	1226204.95     1226204.95     1226204.95     307083.93     s. Add Column 2 from lines     Tax due on unreported f ines 3, 5e, and 5f tions of cents pay pay pay tions of cents pay pay tions of cents	<ul> <li>× 0.062 =</li></ul>	35559      2763      2763      2763      50, 5c, and 5d     ctions)          ach Form 8974 or leave taken	24 54 55 51 6 7 8 9 10 11a	family leave wage's 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. 141387_08 

3

	(not your trade name)		Employer Identification number (EIN	
ER	CHONIA CORP LLC			
Part	Answer these questions for this quarter. (continued)			
11d	Nonrefundable portion of credit for qualified sick and familafter March 31, 2021, and before October 1, 2021	y leave wages for lea	ve taken 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. S	-		92818.06
13a	Total deposits for this quarter, including overpayment app overpayments applied from Form 941-X, 941-X (PR), 944-X, or 944-	lied from a prior que X (SP) filed in the curren	arter and it quarter 13a 2:	92818.06
13b	Reserved for future use		, 13b	
13c	Refundable portion of credit for qualified sick and family before April 1, 2021	leave wages for leave	ve taken 13c	
13d	Reserved for future use		13d	A she
1 <b>3e</b>	Refundable portion of credit for qualified sick and family after March 31, 2021, and before October 1, 2021.	-	ve taken 13e	•
13f	Reserved for future use		137	
13g	Total deposits and refundable credits. Add lines 13a, 13c, a	ıd 13e	13g 2	92818.06
13h	Reserved for future use		13h	
13i	Reserved for future use		131	<b>.</b>
14	Balance due. If line 12 is more than line 13g, enter the differen	ce and see instructions	3 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.		
lf you	're unsure about whether you're a monthly schedule deposit	or or a semiweekly sc	hedule depositor, see section 11	of Pub. 15.
16	Check one: Line 12 on this return is less than \$2,500 of and you didn't incur a \$100,000 next-day of quarter was less than \$2,500 but line 12 on federal tax liability. If you're a monthly sch semiweekly schedule depositor, attach Sched	this return is \$100,00 edule depositor, comp	ing the current quarter. If line 12 0 or more, you must provide a re plete the deposit schedule below	for the prior cord of your
	You were a monthly schedule depositor for liability for the quarter, then go to Part 3.	r the entire quarter. I	Enter your tax liability for each mo	nth and total
	Tax liability: Month 1			
	Month 2	•		
	Month 3			
	Total liability for quarter	Total	must equal line 12.	
	X You were a semiweekly schedule deposite Report of Tax Liability for Semiweekly Schedu			om 941),
Y	ou MUST complete all three pages of Form 941 and SIGN it.			

Page 2

Form 941 (Rev. 3-2023)

	(not your trade nar CHONIA COR	5.50			Employer Identific	ation number (EIN)
			ess. If a question does NO	T apply to your busines	ee leave it blank	-
17			r you stopped paying wages			. Check here, an
17	-					
	enter the fina	date you paid wa	ges;	also attach a statement to	o your return. See	instructions.
18	If you're a se	asonal employer	and you don't have to file a	return for every quarter	of the year	Check here.
19	Qualified heatt	plan expenses alloc	cable to qualified sick leave wage	es for leave taken before Apr	11 1, 2021 19	•
20	Qualified healt	plan expenses alloc	able to qualified family leave wag	jes for leave taken before Ap	ril 1, 2021 20	
21	Reserved for	future use			21	
22	Reserved for	future use			22	a second and a second second
23	Qualified sici	leave wages for l	leave taken after March 31, 2	021, and before October	1, 2021 23	
24	Qualified hea	Ith plan expenses	s allocable to qualified sick l	eave wages reported on	n Ilne 23 24	
25		der certain colle reported on line 2	actively bargained agreeme	ents allocable to qualif	ied sick	
26	Qualified fam	ly leave wages for	r leave taken after March 31,	2021, and before October	r	
27			allocable to qualified family		10-2	
28	28 Amounts under certain collectively bargained agreements allocable to qualified family leave wages reported on line 26					
Part	4: May we	speak with your	third-party designee?			
- art	Do you want		vee, a paid tax preparer, or an	other person to discuss t	his return with the	IRS? See the instructions
	for details.					
	Yes. Des	gnee's name and	phone number			
	Sele	ct a 5-digit person	nal identification number (PIN)	to use when talking to th	e IRS.	
	Cian has		molete all three pages of I	Form 941 and SIGN it.		
111111						
Und	er penalties of pe	jury, I declare that I h	have examined this return, includi Declaration of preparer (other th	ing accompanying schedules		
Und and	er penalties of per belief, it is true, c	jury, I declare that I h	have examined this return, includi	ing accompanying schedules an taxpayer) is based on all i Print your	nformation of which	preparer has any knowledge
Undand and Sig	er penalties of pen belief, it is true, co gn your	jury, I declare that I h prrect, and complete.	have examined this return, includi	ing accompanying schedules an taxpayer) is based on all i Print your name here	nformation of which	
Undand and Sig	er penalties of per belief, it is true, c	jury, I declare that I h prrect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is based on all i Print your	nformation of which W C	preparer has any knowledge
Undand and	er penalties of pen belief, it is true, c gn your me here	jury, I declare that I h prrect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is based on all i Print your name here Print your	nformation of which W C ADP ATT	preparer has any knowledge ORWIN Y-IN-FACT
Undand and Sig	er penalties of pen belief, it is true, c gn your me here	jury, I declare that I h prrect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is based on all i Print your name here Print your	nformation of which W C ADP ATT	preparar has any knowledge ORWIN
Undand Sig	er penalties of pen belief, it is true, cr gn your me here	jury, I declare that I f prect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510
Und and Sig nat	er penalties of pen belief, it is true, cr gn your me here	jury, I declare that I f prect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87 Check if you're sel	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510
Und and Sig nat	er penalties of pen belief, it is true, cr gn your me here	jury, I declare that I f prect, and complete.	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510 I-employed [
Und and Sig nai	er penalties of pen belief, it is true, cr gn your me here	jury, I declare that I f prect, and complete. 01/31/24 Use Only	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87 Check if you're sel	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510
Und and Sig nai Prep Prep Firm	er penalties of pen belief, it is true, cr gn your me here Date aid Preparer parer's name	Use Only	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87 Check If you're sel PTIN	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510 I-employed [
and Sig nai Prep Prep Firm if sel	er penalties of pen belief, it is true, cr gn your me here Date aid Preparer parer's name parer's signature t's name (or your tf-employed)	Use Only	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87 Check if you're sel PTIN C Date C EIN	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510 I-employed [
Und and Sig nat Prep Prep Firm if set	er penalties of pen belief, it is true, cr gn your me here Date	Use Only	have examined this return, includi . Declaration of preparer (other th	ing accompanying schedules an taxpayer) is besed on all i Print your name here Print your title here Best daytime	nformation of which W C ADP ATT phone 87 Check If you're sel PTIN C Date	preparer has any knowledge ORWIN Y-IN-FACT 7-706-0510 I-employed [

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## 9PO3J7

TENDERAL CONTRACTOR

# Schedule B (Form 941):

Report of Tax Liabi	lity for Semiweekly Schedu	le Depositors	OMB No 1545-0029
(Rev. January 2017)	Department of the Treasury In	nternal Revenue Service	Report for this Quarter
Employer identification numbe (EIN)	ar 👘 👘		(Check one.)
()	RCHONIA CORP LLC	a part format (many) successful	1: January, February, March
Calendar year	2 0 2 3	(Also check quarter)	2: April, May, June 3: July, August, September
			X 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.

onth 1			_		-		
1	9	1	7		25		Tax liability for Month 1
2	10	1	8		26		78432.69
3	]11[	16644.25	9		27	30370.11	
4	12	2	20		28		
5	] 13	31038.782	21		29		
379.5	5 14		22		30		
	] 15	2	23		31		
	16		24				
onth 2							
	9	63021,11	17		25		Tax liability for Month 2
2	10		18		26		93796.71
3	]11		19		27		
	12		20		28		
5	13		21		29		
5	14	1	22	30775.60	30		
	15		23		31		
3	16		24				
onth 3	_						
	9		17		25		Tax liability for Month 3
	10		18		26		120538.6
	11		19		27	10454.93	
10735.2	12		20		28		
	13		21		29	10304.57	
	14		22	30317.68	30		
	15		23		31		
58775.2	16		24				
L			L				Total liability for the quarter
		Fill in your tota		lity for the quarter (Mon			292818.0
			Total	must equal line 12 o	n Form 9	941 or Form 941-SS.	

For Paperwork Reduction Act Notice, see separate Instructions, IRS.gov/form941

## **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.

# **Column**

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: WTE2OEixDt2cbAthlbmn Notice Name: Notice of PH - Erchonia Corporation

PUBLICATION FEE: \$0.00

Signed by:

Lagranary Wickson 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.



Notice of PH - Erchonia Corporation - Page 1 of 2



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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 Catherina Schweinsberg Rood Central Library, Cocoa, Florida Meibourne Public Library, Meibourne, Florida South Mainland/Micco Public Library, Micco, Florida

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#### https://brevardfl.gov/AdvlsoryBoardAgendasAndMinutes

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For public notices online, go to http://brevardfl.column.us