

**ORDINANCE NO. 2019- 010**

**AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO BK TECHNOLOGIES, INC.; SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF CHAPTER 196.1995(16) F.S.; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; BK TECHNOLOGIES, INC.; 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, BK Technologies, Inc., has requested that the Board of County Commissioners exempt ad valorem taxes for real property used in its new business or expansion of an existing business as well as tangible personal property at 7100 Technology Drive, West Melbourne, Florida 32904.

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for BK Technologies, Inc., and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Section 196.1995(9), Florida Statutes; and

WHEREAS, it has been determined that BK Technologies, Inc., meets the requirements of Section 196.012(15), Florida Statutes, for an expansion of an existing business in Brevard County; and

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

Section 1. Chapter 102 entitled "Taxation," and Article IV entitled "Ad Valorem Property Taxation," of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-2\_\_ as follows:

- (a) An Economic Development Ad Valorem Tax Exemption is hereby granted to BK Technologies, Inc. (hereafter referred to as "the Company"), for 80 percent of the assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).
- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$227,516,307.24; \$910,938.41 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 new or expanded facility and tangible personal property are added to the assessment roll.

Officially filed with the Secretary of State May 8, 2019

- (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 expansion of an existing business, as defined by Section 196.0125(15), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the eight (8) years during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, if the annual report indicates the Company no longer meets the criteria of Section 196.012(15), Florida Statutes, or if the company fails to fulfill any representation made to the board in its application or the application process, 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 or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the 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, upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of Section 196.012(15), Florida Statute, which is applicable to the exemption granted by this Ordinance.

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

Section 3. Codification - The provisions of this Ordinance shall be codified as and become and be made a part of the Brevard County Code. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance" or similar words, may be changed to "Section", "Article", or other appropriate word.

Section 4. Effective Date - This Ordinance shall become effective immediately upon filing as provided by law. A certified copy of the Ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session this 7 day of May, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Scott Ellis, Clerk

By:   
\_\_\_\_\_  
Kristine Isnardi, Chair

As approved by the Board on 5/7/19

STATE OF FLORIDA  
COUNTY OF BREVARD  
This is to certify that the foregoing  
is a true and current copy of Ordinance  
No. 2019-00 witness my hand  
and official seal this 7 day of  
May 2019  
SCOTT ELLIS, Clerk of Circuit Court  
BY Deborah H. Ellis D.C.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

May 8, 2019

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

TO: Frank Abbate, County Manager

RE: Item H.3., Economic Development Tax Exemption Ordinance for BK Technologies, Inc.

The Board of County Commissioners, in regular session on May 7, 2019, adopted Ordinance No. 19-10, granting an Economic Development Ad Valorem Tax Exemption to BK Technologies, Inc. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: County Attorney  
Budget  
Finance