



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

City of North Port

ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF NORTH PORT, FLORIDA AT THE NOVEMBER 3, 2020 GENERAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO GRANT THE CITY COMMISSION THE AUTHORITY TO ALLOW ECONOMIC DEVELOPMENT AD VALOREM (PROPERTY) TAX EXEMPTIONS FOR NEW BUSINESSES AND EXPANSIONS TO EXISTING BUSINESSES; PROVIDING FINDINGS; PROVIDING FOR THE CONDUCT OF THE REFERENDUM ELECTION; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR THE SUPERVISOR OF ELECTIONS TO POST A COPY OF THIS ORDINANCE AT EACH POLLING PLACE; PROVIDING FOR AN EFFECTIVE DATE IF THE REFERENDUM QUESTION IS APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Article VII, Section 3, of the Constitution of the State of Florida and Florida Statutes Section 196.1995, empower the City to grant economic development ad valorem (property) tax exemptions to new businesses and expansions of existing businesses after the electors of the City, voting on the question in a referendum, authorize such exemptions; and

WHEREAS, in 2010 the City Commission of the City of North Port requested the authority to grant economic development ad valorem (property) tax exemptions and called a referendum; and

WHEREAS, in anticipation of the referendum, on July 26, 2010, the City Commission approved Ordinance No. 2010-24 which established processes and procedures for the economic development ad valorem (property) tax exemptions, which was only to become effective if approved by the voters; and

WHEREAS, in August 2010, the voters approved the economic development ad valorem (property) tax exemption program; and

WHEREAS, pursuant to Florida Statutes Section 196.1995(7), the authority to grant economic development ad valorem (property) tax exemptions expires ten (10) years after the date such authority was approved in an election; and

WHEREAS, pursuant to Florida Statutes Section 196.1955(7) and Section 3-13 of the Code of the City of North Port, Florida, the City's ability to grant economic development ad valorem (property) tax exemptions sunsets on August 24, 2020; and

34 **WHEREAS**, pursuant to Florida Statutes Section 196.1995(7), the City’s authority to grant these tax
35 exemptions may be renewed for subsequent ten-year periods if each ten-year renewal is approved by
36 referendum; and

37 **WHEREAS**, pursuant to Florida Statutes Section 196.1995, if the referendum passes, the City Commission
38 would be authorized to grant economic development ad valorem (property) tax exemptions to new
39 businesses relocating to the City of North Port and to expansion of businesses already situated in the City
40 of North Port for up to one hundred percent (100%) of the City ad valorem tax levied for a period of up to
41 ten (10) years. The exemption would not apply to taxes levied for the payment of bonds or taxes
42 authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII, of the Florida
43 Constitution; and

44 **WHEREAS**, the granting of ad valorem (property) tax exemptions to qualifying businesses will provide the
45 City of North Port with an additional economic development incentive, thereby enhancing the desirability
46 of the City of North Port as a location for new businesses and expansions to existing businesses, and
47 creating employment opportunities that will benefit the entire community; and

48 **WHEREAS**, a referendum pursuant to Florida Statutes Section 196.1995 has not been called in the last
49 twelve (12) months; and

50 **WHEREAS**, the Sarasota County Supervisor of Elections advises that the next general election will occur
51 on November 3, 2020. In order to obtain placement on the ballot for the general election, the Supervisor
52 of Election has established a deadline of August 14, 2020 for the submission of referendum questions;
53 and

54 **WHEREAS**, this ordinance has been adopted by a majority vote of the City Commission; and

55 **WHEREAS**, the City Commission authorizes that the referendum question more particularly described
56 herein be placed on the November 3, 2020 ballot for consideration by the City’s electors.

57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

58

59 **SECTION 1 – FINDINGS**

60 1.01 The recitals outlined above are ratified and approved as true and correct, and are incorporated
61 by reference as findings of fact as if expressly set forth herein.
62

63 1.02 This ordinance is enacted pursuant to the City of North Port Charter, Florida Statutes Sections
64 101.161 and 196.1995, and other applicable provisions of law.

65 **SECTION 2 – REFERENDUM ELECTION CALLED**

66 2.01 A referendum election is hereby ordered and called to be held throughout the City of North Port,
67 Florida on November 3, 2020. The referendum will be held in conjunction with the City of North
68 Port’s general election for the purpose of submitting to the City’s electors a referendum question
69 as to whether to authorize the City Commission to grant economic development ad valorem
70 (property) tax exemptions to qualifying new businesses relocating to the City of North Port and to
71 qualifying expansions of businesses already situated in the City of North Port. The referendum
72 question is more particularly set forth below.

73 **SECTION 3 – CONDUCT OF REFERENDUM ELECTION**

74 3.01 The referendum election called by this ordinance shall be conducted in the manner prescribed in
75 Florida Statutes Chapters 100, 101, and 102.

76 3.02 The polling places, election officials, and hours of election for the general election shall be the
77 same as those for the general election scheduled to be held within the City of North Port on
78 November 3, 2020.

79
80 **SECTION 4 – FORM OF BALLOT**

81 4.01 The question pertaining to the economic development ad valorem (property) tax exemptions shall
82 be submitted to the qualified electors of the City in substantially the following form, and shall be
83 printed on the ballot:

84 **OFFICIAL BALLOT**
85 **CITY OF NORTH PORT, FLORIDA**
86 **NOVEMBER 3, 2020**

87
88 **REFERENDUM QUESTION 2 - ECONOMIC DEVELOPMENT AD VALOREM**
89 **(PROPERTY) TAX EXEMPTIONS**

90 **Shall the City Commission of the City of North Port be authorized to grant,**
91 **pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to**
92 **new businesses and expansions of existing businesses that are expected to**
93 **create new, full-time jobs in the city?**

94 **YES – For authority to grant exemptions []**

95 **NO – Against authority to grant exemptions []**

96 **SECTION 5 – NOTICE OF ELECTION**

97 5.01 The City Clerk shall make this ordinance available for inspection at the office of the City Clerk and
98 available on the City’s website at www.cityofnorthport.com.

99 5.02 The City Clerk shall publish a notice of the referendum election in a newspaper of general
100 circulation within the City of North Port at least thirty (30) days prior to the date of the election.
101 The notice shall be published at least twice, once in the fifth week and once in the third week
102 prior to the week in which the referendum election is to be held. Said notice shall be in
103 substantially the following form:

104 **NOTICE OF REFERENDUM ELECTION**

105 **Notice is hereby given that a referendum election will be held on**
106 **November 3, 2020, in the City of North Port, Florida, to consider the**
107 **following question:**

108 **REFERENDUM QUESTION 2 - ECONOMIC DEVELOPMENT AD VALOREM**
109 **(PROPERTY) TAX EXEMPTIONS**

110 **Shall the City Commission of the City of North Port be authorized to grant,**
111 **pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to**
112 **new businesses and expansions of existing businesses that are expected to**
113 **create new, full-time jobs in the city?**

114 **YES – For authority to grant exemptions** []

115 **NO – Against authority to grant exemptions** []

116 The polls will be open at the voting places on the date of such referendum
117 election from 7:00 a.m. to 7:00 p.m. All qualified electors of the City of North
118 Port, Florida may vote in said election. Vote-by-mail and early voting will be
119 permitted upon compliance with the applicable provisions of general law.

120 Heather Taylor, CMC
121 City Clerk
122 City of North Port, Florida
123

124 **SECTION 6 – SUPERVISOR OF ELECTIONS TO POST COPY OF ORDINANCE AT EACH POLLING PLACE**

125 6.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling place
126 during the hours that the polls are open to consider this referendum.

127 **SECTION 7 – EFFECTIVENESS OF REFERENDUM RESULTS**

128 7.01 Returns of the votes cast at the referendum shall be made as required by law.

129 7.02 If a majority of the votes cast for the referendum question is “YES – For authority to grant
130 exemptions,” then the referendum question is approved and the City Commission shall have the
131 authority to grant ad valorem (property) tax exemptions in accordance with Florida Statutes
132 Section 196.1995.

133 7.03 If less than a majority of the votes cast for the referendum question is “YES – For authority to
134 grant exemptions,” then the referendum question is defeated and the City Commission shall not
135 be authorized to grant ad valorem (property) tax exemptions pursuant to Florida Statutes Section
136 196.1995.

137
138 **SECTION 8 – FILING WITH THE SUPERVISOR OF ELECTIONS**

139 8.01 Upon this ordinance becoming effective, the City Clerk is hereby directed to file a certified copy
140 of this ordinance with the Supervisor of Elections for Sarasota County, Florida, and is hereby
141 authorized to take all appropriate actions necessary to carry into effect and accomplish the
142 electoral provisions of this ordinance.

143 **SECTION 9 – CONFLICTS**

144 9.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance,
145 the provisions of this ordinance shall prevail to the extent of such conflict.

146 **SECTION 10 - SEVERABILITY**

147 10.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason
148 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be
149 deemed a separate, distinct, and independent provision and such holding shall not affect the
150 validity of the remaining portions thereof.

151 **SECTION 11 - EFFECTIVE DATE**

152 11.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of
153 North Port, Florida. If the City's qualified electors approve the proposed referendum question,
154 the authority granted shall become effective as specifically provided for in Section 7 above.
155

156 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
157 session on the 23rd day of June 2020.

158 PASSED AND ADOPTED by the City Commission of the City of North Port, Florida on second and final
159 reading in public session this 2nd day of July 2020.

160 CITY OF NORTH PORT, FLORIDA

161
162
163 _____
164 DEBBIE MCDOWELL
165 MAYOR

166 ATTEST

167
168 _____
169 HEATHER TAYLOR, CMC
170 CITY CLERK

171 APPROVED AS TO FORM AND CORRECTNESS

172
173 _____
174 AMBER L. SLAYTON
175 CITY ATTORNEY