



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

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

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

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

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

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

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

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

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

SECTION 1 – FINDINGS

- 1.01 The recitals outlined above are ratified and approved as true and correct, and are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 This ordinance is enacted pursuant to the City of North Port Charter, Florida Statutes Sections 101.161 and 196.1995, and other applicable provisions of law.

SECTION 2 – REFERENDUM ELECTION CALLED

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

SECTION 3 – CONDUCT OF REFERENDUM ELECTION

- 3.01 The referendum election called by this ordinance shall be conducted in the manner prescribed in Florida Statutes Chapters 100, 101, and 102.
- 3.02 The polling places, election officials, and hours of election for the general election shall be the same as those for the general election scheduled to be held within the City of North Port on November 3, 2020.

SECTION 4 – FORM OF BALLOT

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

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

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

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

YES – For authority to grant exemptions []

NO – Against authority to grant exemptions []

SECTION 5 – NOTICE OF ELECTION

- 5.01 The City Clerk shall make this ordinance available for inspection at the office of the City Clerk and available on the City’s website at www.cityofnorthport.com.
- 5.02 The City Clerk shall publish a notice of the referendum election in a newspaper of general circulation within the City of North Port at least thirty (30) days prior to the date of the election. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held. Said notice shall be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

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

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

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

YES – For authority to grant exemptions []

NO – Against authority to grant exemptions []

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

Heather Taylor, CMC
City Clerk
City of North Port, Florida

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

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

SECTION 7 – EFFECTIVENESS OF REFERENDUM RESULTS

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

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

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

SECTION 8 – FILING WITH THE SUPERVISOR OF ELECTIONS

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

SECTION 9 – CONFLICTS

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

SECTION 10 - SEVERABILITY

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

SECTION 11 - EFFECTIVE DATE

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

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

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

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY