

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, CALLING FOR A SPECIAL REFERENDUM ELECTION TO RENEW THE ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS FOR CERTAIN NEW BUSINESSES AND CERTAIN EXPANSIONS TO EXISTING BUSINESSES; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR DELIVERY TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 3, of the Constitution of the State of Florida and Section 196.1995, Florida Statutes, empower the City to grant economic development ad valorem 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 Council of the City of Port St. Lucie requested the authority to grant economic development ad valorem tax exemptions and called a referendum; and

WHEREAS, the voters approved the economic development ad valorem tax exemption program which was codified in the City’s Code of Ordinances, Chapter 115; and

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

WHEREAS, the City's authority to grant such tax exemptions may be renewed for subsequent ten-year periods if each ten-year renewal is approved by referendum; and

WHEREAS, the granting of ad valorem tax exemptions to qualifying businesses will provide the City of Port St. Lucie with an additional economic development tool which will enhance the desirability of the City, by providing financial incentives which will encourage new businesses to relocate to the City and existing businesses to expand within the City, thereby creating employment opportunities which will benefit the entire community; and

WHEREAS, the City Council has determined that the voters should be given the opportunity to extend the economic development program for another ten years; and

WHEREAS, a special election is already scheduled for December 7, 2021, for the purpose of filling the vacant Council seat in District Three; and

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WHEREAS, holding the referendum election as part of the special election on December 7, 2021, will be both timely and cost effective.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1: The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2: A referendum election is hereby ordered and called to be held throughout the City of Port St. Lucie on **December 7, 2021**. The referendum will be held in conjunction with the City of Port St. Lucie's previously scheduled special election for the purpose of submitting to the City's electors a referendum question as to whether to authorize the City Council to grant economic development ad valorem tax exemptions to qualifying new businesses relocating to the City of Port St. Lucie and to qualifying expansions of businesses already situated in the City of Port St. Lucie. The referendum question is more particularly set forth below.

Section 3: The Supervisor of Election for St. Lucie County shall be responsible for conducting this special referendum election as set forth in Chapters 100, 101, and 102, Florida Statutes. This special referendum election shall run concurrently with the special election filling the District Three Council seat.

Section 4: The ballot question to be voted upon in this special referendum election shall be in substantially the following form:

REFERENDUM QUESTION:

ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION

Shall the City Council of the City of Port St. Lucie be authorized to grant, pursuant to Section 3, Article VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses, for a period not to exceed ten (10) years, 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: The City Clerk shall publish a notice of the referendum election in a newspaper of general circulation within the City of Port St. Lucie 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

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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 December 7, 2021, in the City of Port St. Lucie, Florida, to consider the following question:

REFERENDUM QUESTION - ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS

Shall the City Council of the City of Port St. Lucie 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, for a period not to exceed ten (10) years, 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 Port St. Lucie, Florida may vote in said election. Vote-by-mail and early voting will be permitted upon compliance with the applicable provisions of general law.

**Sally Walsh
City Clerk
City of Port St. Lucie, Florida**

Section 6: 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 Council shall have the authority to grant ad valorem tax exemptions in accordance with Section 196.1995, Florida Statutes. 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 Council shall not be authorized to grant ad valorem tax exemptions pursuant to Section 196.1995, Florida Statutes.

Section 7: 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 8: If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

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1st Reading
Item: 6A
Date: 9/20/21

2nd Reading
Item: 8G
Date: 9/27/21

provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9: The City Clerk is directed to deliver a certified copy of this Ordinance to the Supervisor of Elections upon final adoption.

Section 10: This Ordinance shall become effective immediately upon its final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this 27th day of September, 2021.



ATTEST:

Sally Walsh, City Clerk

CITY COUNCIL
CITY OF PORT ST. LUCIE

By:

Shannon M. Martin, Mayor

APPROVED AS TO FORM:

James D. Stokes, City Attorney