ORDINANCE NO. 472-H

AN ORDINANCE CONCERNING ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS GRANTED BY THE CITY PURSUANT TO FLORIDA STATUTES SECTION 196.1995; MAKING FINDINGS CONCERNING THE CITY'S AUTHORITY TO GRANT SUCH EXEMPTIONS; CALLING A REFERENDUM TO RENEW THE CITY'S AUTHORITY TO GRANT SUCH EXEMPTIONS, TO BE HELD IN CONJUNCTION WITH THE MUNICIPAL GENERAL ELECTION SCHEDULED FOR NOVEMBER 2, 2021; PROVIDING A BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; AMENDING CITY CODE TO REFLECT THAT RENEWAL; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, hereby makes the following findings:

(a) Florida Statutes Section 196.1995 authorizes counties and municipalities to obtain voter approval for the authority to grant economic development ad valorem tax exemptions under Florida Constitution Article VII, Section 3 (each an "Exemption") for a ten-year period running from the date of voter approval. An Exemption can be granted to a new business relocating to the jurisdiction or to a business already situated in the jurisdiction that is expanding to foster economic growth and increase employment.

(b) One of the City’s recognized functions is to promote economic development within its jurisdiction by providing financial incentives that will encourage new businesses to relocate within its jurisdiction and encourage existing businesses to expand, creating employment opportunities that will benefit the entire community. Accordingly, it serves a valid municipal purpose for the City to grant Exemptions.

(c) On August 4, 2011, City Council adopted ordinance 1022-G, which called a City-wide referendum on November 8, 2011 to obtain voter approval for granting Exemptions pursuant to Florida Statutes Section 196.1995 (the "2011 Referendum"). Voters approved
the 2011 Referendum, and as of July 1, 2021, the City has granted about two Exemptions pursuant to that authority.

(d) The City’s statutory authority to grant Exemptions pursuant to the 2011 Referendum is set to expire on November 9, 2021, but it may be renewed for subsequent 10-year periods if approved in a referendum called and held pursuant to Florida Statutes Section 196.1995.

(e) Accordingly, City Council desires to hold a referendum in accordance with Florida Statutes Section 196.1995 to renew the City’s authority to grant Exemptions for a subsequent ten-year period, with that referendum placed on the ballot of the municipal general election scheduled for November 2, 2021.

(f) The City did not call or hold a referendum pursuant to Florida Statutes Section 196.1995 in the 12 months preceding November 2, 2021 and is therefore eligible to place such a referendum on the ballot at that time.

(g) That referendum should use the ballot title and ballot summary required by Florida Statutes Section 196.1995, and it should authorize the City to grant any Exemption authorized under that statute, as it may be amended from time to time.

(h) Because the voter authorization described above would not automatically amend related portions of City Code for conformity, an amendment of City Code section 17-532 should be set forth in this ordinance to go into effect simultaneously with the associated authorization, to codify the renewal of the City’s authority to grant Exemptions for a new ten-year period.

SECTION 2—DATE OF REFERENDUM: Pursuant to Florida Statutes Section 196.1995, City Council hereby calls the referendum described in this ordinance (the "Referendum") to be placed on the ballot of the municipal general election scheduled for November 2, 2021.

SECTION 3—AUTHORIZATION FOR ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS: If the Referendum is approved by a majority vote, the City may grant ad valorem tax exemptions in accordance with and to the full extent authorized by Florida Statutes Section 196.1995, as it may be amended from time to time.

SECTION 4—CITY CODE AMENDMENTS: If the Referendum is approved by a majority vote, City Code sections 17-521 and 17-532 will be amended as set forth below, with additions indicated by underlining and deletions indicated by strikethrough text. These sections may be
further amended by ordinance absent a new referendum, as long as any such amendment is consistent with this Referendum.

Sec. 17-521. – Enactment authority.

Article VII, Section 3, of the Constitution of the State of Florida and Florida Statutes (currently F.S. § 196.1995) empower the City to grant exemptions to new businesses and expansions of existing businesses after the electors of the City authorize such exemptions. In a referendum held on November 8, 2011, the electors of the City of St. Petersburg authorized the City to grant exemptions pursuant to this article, with such authority set to expire on November 9, 2021. In a referendum held on November 2, 2021, the electors of the City of St. Petersburg renewed the authorization for the City to grant exemptions pursuant to this article.

Sec. 17-532. - Sunset date.

The authority to approve an exemption ordinance pursuant to this article shall expire at 12:01 a.m. on November 9, 2021, which is ten years after the effective date such authority to approve an exemption ordinance was approved by the electors of the City—November 2, 2031; provided that for purposes of enforcement and revocation, this article shall survive such expiration date. No business shall be allowed to begin receiving an exemption after that date; however, the expiration shall not affect the operation of any exemption for which an eligible business has been granted under this article prior to November 9, 2021—November 2, 2031.

SECTION 5—BALLOT TEXT: The City shall use the following caption and explanatory statement as the ballot title and ballot summary for the Referendum:

Providing City Council with the authority to grant economic development ad valorem tax exemptions

Shall the City Council of St. Petersburg 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 of St. Petersburg?
SECTION 6—RELATIONSHIP TO PREVIOUS ORDINANCES AND REFERENDUMS: To the extent that any provision of this ordinance conflicts with ordinance 1022-G or the 2011 Referendum, the provision of this ordinance will control. Otherwise, this ordinance and the Referendum are not intended to affect ordinance 1022-G, the 2011 Referendum, or any ordinance granting an Exemption pursuant to the City’s authority under ordinance 1022-G or the 2011 Referendum.

SECTION 7—SEVERABILITY: The provisions of this ordinance are intended to be severable, and a determination that any portion of this ordinance is invalid should not affect the validity of the remaining portions of this ordinance.

SECTION 8—EFFECTIVE DATE: In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading conducted on 5th day of August 2021.

Adopted by St. Petersburg City Council on second and final reading on the 12th day of August 2021.

Ed Montanari, Chair-Councilmember
Presiding Officer of the City Council

ATTEST:  Chan Brinivasa, City Clerk

Title Published: Times 1-t 07/28/21

Effective August 13, 2021 upon filing the No Veto Notice with the Clerk.