

AN ORDINANCE PROVIDING FOR A REFERENDUM TO CONSIDER THE ADOPTION OF AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION; PROVIDING FOR PURPOSE, INTENT, AND AUTHORITY TO GRANT SUCH EXEMPTIONS; CALLING A REFERENDUM TO GRANT SUCH EXEMPTIONS TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION SCHEDULED FOR NOVEMBER 8, 2022; PROVIDING A BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral seeks to encourage new commercial development, expansion of existing businesses and new job creation; and

WHEREAS, the Florida Legislature found that Florida faces increasing competition from other states and other countries for the location and retention of private enterprises; that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, light industry, technology, corporate office, business enterprise management, and other select industries and activities conducive to economic promotion and development, in order to provide a stronger, more balanced, and stable economy in the state of Florida, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the State of Florida; and

WHEREAS, the Legislature declared that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the State of Florida; and

WHEREAS, the Florida Legislature has stated that the use of public funds toward the achievement of such economic development goals constitutes a public purpose; and

WHEREAS, the City of Cape Coral seeks opportunities to become more business friendly; and

WHEREAS, the City desires to provide economic incentives in furtherance of the municipal purpose of inducing employment and investment within the City of Cape Coral and expanding economic activity within its jurisdictional borders; and

WHEREAS, Article VII, Section 3, of the Constitution of the State of Florida and F.S. §196.1995, 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, the City desires to increase the number of businesses, job creation, and investment, thereby creating a more positive image, and stabilizing the tax base of the City; and

WHEREAS, the City Council finds that the health, safety, and welfare of the City will be protected by offering an ad valorem tax exemption to those qualified businesses looking to make private investment and create new jobs in Cape Coral.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

**SECTION 1. Purpose, intent, and authority.**

The City of Cape Coral seeks to achieve an economically balanced community that is recognized for an exceptional quality of life for its residents, businesses and visitors by attracting, growing and retaining businesses and commercial development, and by expanding high-wage employment opportunities within the city.

The Florida Legislature has stated that the use of public funds toward the achievement of such economic development goals constitutes a public purpose.

The City Council finds that the health, safety, and welfare of the city will be protected and enhanced by offering an Economic Development Ad Valorem Tax Exemption to qualified businesses/developers looking to invest in and create new jobs in the city.

Article VII, Section 3, of the Constitution of the State of Florida and F.S. §196.1995, 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.

The City did not call or hold a referendum pursuant to Section 196.1995, Florida Statutes, in the 12 months preceding November 8, 2022 and is therefore eligible to place such a referendum on the ballot at that time.

**SECTION 2. Date of Referendum.** Pursuant to Section 196.1995, Florida Statutes, City Council hereby calls the referendum to consider an Economic Development Ad Valorem Tax Exemption to be placed on the ballot of the general election scheduled for November 8, 2022.

**SECTION 3. Manner of voting.** The referendum election shall be conducted in accordance with applicable law at the same time and places as the general election to be held on November 8, 2022, coordinated by the Supervisor of Elections of Lee County and, to the extent required, the City Clerk. Early voting may be utilized to the extent allowable by, and in accordance with, applicable law.

**SECTION 4. Official ballot.** The ballots to be used in the referendum election, including any required sample ballots, shall be prepared and distributed by the Supervisor of Elections of Lee County in accordance with applicable law. Electronic balloting may be utilized to the extent allowable by, and in accordance with, applicable law. The ballot question to be used in the referendum shall be in substantially the following form:

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

Shall the City Council of the City of Cape Coral 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 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. Vote by mail.** Adequate provision shall be made by the Supervisor of Elections of Lee County for "Vote by Mail". Ballots to be used in the referendum election for "Vote by Mail" shall be in substantially the same form as those ballots utilized at the polling places on the day of the referendum election. Ballots for "Vote by Mail" shall be distributed, collected and canvassed in accordance with applicable law.

**SECTION 6. Election Results.** Returns of the votes cast at the referendum election shall be certified by the City Council in accordance with Article IX of the City's Charter. If a majority of the votes cast at such election in respect to the aforesated proposition shall be "YES - For authority to grant exemptions" votes, such proposition shall be approved. If a majority of the votes cast at such election in respect to the aforesated proposition shall be "NO - Against authority to grant exemptions" votes, such proposition shall be defeated.

**SECTION 7. Notice of Economic Development Ad Valorem Tax Exemption Election.** A public notice shall be published in full in a newspaper of general circulation in the City in the manner provided by law. The notice shall be published at least 30 days prior to the referendum election, once in the fifth week prior and once again in the third week prior to the week in which the referendum election is held, all in the manner provided in Section 100.342, Florida Statutes. The City Clerk is hereby charged with the responsibility of this notice procedure.

**SECTION 8. Supervisor of Elections.** The City Clerk is hereby authorized and directed to coordinate with and through the Supervisor of Elections of Lee County in carrying out the purposes of this Ordinance.

**SECTION 9. Severability.** In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no

manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

**SECTION 10. Effective Date.** This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER \_\_\_\_\_  
TATE \_\_\_\_\_  
SHEPPARD \_\_\_\_\_  
HAYDEN \_\_\_\_\_

NELSON \_\_\_\_\_  
WELSH \_\_\_\_\_  
LONG \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ord/ReferendumEconDevAdValoremTaxExemp