

ORDINANCE NO. ____-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE FOR THE NOVEMBER 5, 2024 ELECTION OR AN ELECTION SCHEDULED THEREAFTER PROVIDING FOR AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PURSUANT TO SECTION 196.1995, FLORIDA STATUTES; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council currently has the authority to grant economic development ad valorem tax exemptions to new businesses and expanding existing businesses within the City of Cocoa pursuant to a referendum approved by City electors under section 196.1995, Florida Statutes, on November 4, 2014; and

WHEREAS, said authority expires ten (10) years after the date such authority was approved and the City Council desires that said authority shall remain in effect for a subsequent ten-year term; and

WHEREAS, the City Council desires to continue to promote and enhance the economic climate within the City of Cocoa by making it financially attractive and by creating additional local jobs through ad valorem tax incentives for new businesses to locate in the City and for existing businesses in the City to expand; and

WHEREAS, the City Council has determined that it would continue to improve the economic climate of the City and promote the public interest, health, safety, and welfare of the citizens of the City of Cocoa to propose to the electorate that the City Council be authorized to grant property tax exemptions to new businesses and expansions of existing businesses that are expected to create new, full-time jobs within the City of Cocoa, pursuant to Section 3, Article VII of the State Constitution and section 196.1995, Florida Statutes; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of Cocoa.

Section 2. Referendum Election. A referendum election is hereby called and scheduled to be held concurrent with the election to be held on the 5th day of November, 2024, to determine whether the ballot question appearing in Section 3 hereof shall be approved by a majority of the votes cast in such election in which qualified electors residing in the City shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all elections. The places for voting in such referendum election shall be such locations as shall otherwise be established for the election to be held on November 5, 2024. All duly qualified electors of the City of Cocoa shall be entitled to participate in said election. Should it become impractical to hold the election on November 5, 2024, the election shall take place on a date that the City Clerk, in coordination with the Supervisor of Elections, determines is feasible and practical.

Section 3. Economic Development Ad Valorem Tax Exemption.

(a) **Purpose of question.** It is proposed that the City of Cocoa, Florida, be authorized to grant economic development ad valorem tax exemptions, pursuant to section 196.1995, Florida Statutes, which provides that a municipality may call a referendum within its jurisdiction to determine whether the electorate in that jurisdiction will authorize that municipality to grant such exemptions under Section 3, Article VII of the State Constitution. Upon a majority vote in favor of such authority, the City may exempt, at its discretion and by ordinance, from ad valorem taxation up to one hundred percent (100%) of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to one hundred percent (100%) of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business, provided that the improvements to real property are made or the tangible personal property is added or increased on or after the day the ordinance is adopted.

(b) **Ballot question.** Concurrent with the election scheduled for November 5, 2024, the following question shall be placed on the ballot. The caption and questions shall be worded substantially as follows:

**RENEWAL OF
ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION**

Shall the City Council of the City of Cocoa continue to 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 Cocoa?

____ YES--For authority to grant exemptions.

____ NO--Against authority to grant exemptions.

Section 4. Term. Provided that the ballot proposal in Section 3 is approved by a majority of the registered electors of the City of Cocoa, Florida, the authority to grant property tax exemptions under this Ordinance shall commence on November 5, 2024, upon expiration of Ordinance 17-2014, and shall remain in effect for a subsequent ten-year term which shall expire on November 5, 2034.

Section 5. Coordination With Supervisor of Elections. The City Clerk is hereby authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County to include the above-described referendum question on the ballot concurrent with the election to be held on November 5, 2024.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida, however, the ballot proposal in Section 3 shall only become effective if a majority of the registered electors of the City of Cocoa, Florida, who vote in the election to be held on November 5, 2024, approve the ballot question set forth in Section 3 of this Ordinance.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the ____ day of _____, 2024.

MICHAEL C. BLAKE, Mayor

ATTEST:

MONICA ARSENAULT, City Clerk