

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 7 "TAXATION" BY AMENDING ARTICLE III, "ECONOMIC DEVELOPMENT INCENTIVES", BY ESTABLISHING AN EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR CERTAIN NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROCESS; REQUIRING A REQUEST FOR EXEMPTION RESOLUTION BY CITY COUNCIL; REQUIRING AN APPLICATION FOR EXEMPTION; PROVIDING FOR CITY COUNCIL'S CONSIDERATION OF APPLICATIONS AND PROVIDING ELIGIBILITY CRITERIA; PROVIDING FOR NO APPLICATION FEES; PROVIDING FOR CONTINUING PERFORMANCE; PROVIDING FOR CITY COUNCIL REVOCATION OF EXEMPTION; PROVIDING FOR A SUNSET DATE ; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. (COO-1026-000002)

WHEREAS, the City of Pinellas Park believes that local government should support economic growth by providing an incentive for employment opportunities that will lead to the improvement of the quality of life of the residents of the City of Pinellas Park, and the positive expansion of the economy; and

WHEREAS, to this end, the Mayor and the City Council desire to offer ad valorem tax exemptions to the new businesses relocating to the City and to expansions of businesses already situated in the City; and

WHEREAS, the granting of ad valorem tax exemptions to such businesses will provide the City with an additional economic development incentive which will enhance the ability of the City to be competitive when trying to encourage new business development in the City and retain local businesses with planned expansions; and

WHEREAS, many of the surrounding Florida counties and cities including the City of Largo, City of Tampa, Hillsborough County, City of St. Petersburg, City of Clearwater, City of Sarasota, Sarasota County and Pinellas County have already implemented economic development ad valorem tax exemption programs potentially putting the City of Pinellas Park at a competitive disadvantage in the recruitment of new businesses and the retention of existing and expanding businesses; and

WHEREAS, such exemptions are authorized pursuant to Article VII, Section 3, of the Constitution of the State of Florida and F.S. §196.1995, upon the successful passage of a referendum of the residents in a jurisdiction wishing to enact economic development ad valorem tax exemptions; and

WHEREAS, the elections of the City have authorized the granting of economic

development ad valorem tax exemptions, pursuant to F.S. § 196.1995, by the successful passage of a referendum held March 19, 2024; and

WHEREAS, it is a recognized function of local government to promote economic development within its jurisdiction by providing financial incentives that will encourage new businesses to relocate within its jurisdiction and existing businesses to expand, thereby creating employment opportunities that will benefit the entire community; and

WHEREAS, in order to ensure that applications for Economic Development Ad Valorem Tax Exemptions are considered in a non-arbitrary and non-discriminatory manner, it is necessary to establish guidelines that further the City's economic development policy to assist the City Manager and City Council in making its recommendations and determinations; and

WHEREAS, the City determines that the granting of Economic Development Ad Valorem Tax Exemptions to new businesses locating in the City and to existing businesses expanding in the City as provided in the Ordinance will promote and strengthen the local economy which will enhance the health, safety and welfare of the citizens of the City, which action is in the best interest of the City and serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Pinellas Park is hereby amended by amending Chapter 7 "Taxation," by amending Article III, "Economic Development Incentives", to read as follows:

CHAPTER 7

TAXATION

Article III. Economic Development Incentives

Sec. 7-301. Enactment authority.

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 electors of the City authorized such exemptions. ~~In a referendum~~ Originally created by referendum held on March 15, 2016, the electors of the City of Pinellas Park authorized ~~the City Council~~ to grant Economic Development Ad Valorem Tax Exemptions. In a referendum held on March 19, 2024, the Economic Development Ad Valorem Tax Exemption was authorized by voters in the City.

Sec. 7-302. Findings of fact.

- (A) It is a recognized function of local government to promote economic development within its jurisdiction by providing financial incentives that will encourage New Businesses to relocate within its jurisdiction and existing businesses to expand creating employment opportunities that will benefit that entire community.

~~—(B)—~~ The current economic climate has resulted in a high unemployment rate in the City of Pinellas Park, impacting the quality of life for the City’s citizens and the sustainability of local businesses.

~~—(C)(B)~~ The City Council of the City of Pinellas Park (the “Council”) desires to offer Economic Development Ad Valorem Tax Exemptions to New Businesses relocating to the City of Pinellas Park and the businesses already situated in the City of Pinellas Park that are expanding in order to foster economic growth and increased employment.

~~—(D)(C)~~ In order to ensure that applications for an Economic Development Ad Valorem Tax Exemption are considered in a non-arbitrary and non-discriminatory manner, it is necessary to establish guidelines that further the Council’s economic development strategic plan to assist the Council in making its determinations.

~~—(E)(D)~~ Applications for an Economic Development Ad Valorem Tax Exemptions shall be considered by the Council in its legislative capacity on a case-by-case basis, after considering the Property Appraiser’s report and the review criteria.

~~—(F)(E)~~ No precedent shall be implied or inferred by the granting of the Exemption to a New or Expanding Business.

~~—(G)(F)~~ On ~~November 24, 2015~~ November 9, 2023, the City Council approved Resolution No. ~~15-27~~ 23-20 calling for a special referendum of the voters in the City seeking authorization to grant Economic Development Ad Valorem Tax Exemptions to Qualified Businesses. The referendum was approved by voters in the City on ~~March 15, 2016~~ March 19, 2024.

Sec. 7-303. Definitions.

The following words, phrases and terms shall have the same meanings attributed to them in current Florida Statutes and the Florida Administrative Code, except where indicated otherwise:

Applicant means any person, firm, partnership, or corporation who files an application with the City seeking an Economic Development Ad Valorem Tax Exemption.

Application means a written application for an Economic Development Ad Valorem Tax Exemption on the form prescribed by the department, together with any supplemental form prescribed by the Administrator and any additional information requested by the Administrator.

Average annual wage means the sum of the wages paid to full-time equivalent employees included in the average annual employment, divided by the average annual employment.

Business means any for-profit activity engaged in by any person, firm, partnership, corporation or other business organization or entity.

Capital Investment means any expenditure for an Expansion of an Existing Business or a New Business to be located in Pinellas Park which can be capitalized under generally accepted accounting principles.

City means the City of Pinellas Park, Florida.

Council means the City Council of the City of Pinellas Park, Florida.

County means Pinellas County, Florida.

Data center means a facility that is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, and/or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, and/or transmits data.

Department means Community Development Department of the City of Pinellas Park.

Economic Development Ad Valorem Tax Exemption (or “*Exemption*” throughout this Article) means the ad valorem tax exemption granted by the Council in its discretion to a qualifying New Business and/or Expansion of an Existing Business for ~~up to seventy-five (75) percent a~~ percentage of the City ad valorem tax levied on the property of said business for a specific period ~~up to ten (10) years~~; provided, however, the Exemption shall 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 State Constitution.

Exemption Ordinance means the ordinance adopted by City Council for each Exemption granted.

Expansion of a Business (also known as “*Qualified Business*” in this Article) means as set forth in F.S. § 196.012(15):

- (a)1. A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in the City, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any of the operations referred to in subparagraph (14)(a)1. of F.S. § 196.012; or
 2. A business or organization establishing 25 or more new jobs to employ 25 or more full-time employees in the City, the sales factor of which, as defined by F.S. § 220.15(5), for the facility with respect to which it requests an Economic Development Ad Valorem Tax Exemption is less than 0.50 for each year the Exemption is claimed; provided that such business increases operations on a site located within the City and is co-located with a commercial or industrial operation owned by the same business or organization under common control with the same business or organization, resulting in a net increase in employment of not less than 10 percent or an increase in productive output or sales of not less than 10 percent.
- (b) Any business or organization located in an area that was designated as an enterprise zone pursuant to chapter 290, Florida Statutes, as of December 30, 2015, or brownfield area that increases operations on a site located within the same zone

or area co-located with a commercial or industrial operation owned by the same business or organization under common control with the same business or organization.

(c) Property acquired to replace existing property shall not be considered to facilitate a business expansion.

Fiscal Year means the first day of October and shall end on the last day of September of each calendar year.

Full-time equivalent employee means a person who is employed by a business that works at least 35 hours per week and is eligible to receive benefits, including health benefits, through their employer, subject to any eligible vesting periods.

Improvements means physical changes made to raw land, and structures place on or under the land surface.

Manufacturing business means a business or organization which principally manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant.

Metropolitan Statistical Area (MSA) means a geographical region with a relatively high population density at its core and close economic ties throughout the area. Such areas are not legally incorporated. For purposes of this Ordinance, the MSA means the Tampa – St. Petersburg – Clearwater, FL MSA.

New Business (also known as a “Qualified Business” in this Article) means as set forth in F.S. § 196.012(14):

(a)1. A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in the City, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any one or more of the following operations:

a. Manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

b. Is a target industry business as defined in F.S. § 288.005;

2. A business or organization establishing 25 or more new jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by F.S. § 220.15(5), for the facility with respect to which it requests the Economic Development Ad Valorem Tax Exemption is less than 0.50 for each year the Exemption is claimed; or

3. An office space in this state owned and used by a business or organization newly domiciled in this state; provided such office space

houses 50 or more full-time employees of such business or organization; provided that such business or organization office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

(b) Any business or organization located in an area that was designated as an enterprise zone pursuant to chapter 290 as of December 30, 2015, or brownfield area that first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

(c) A business or organization that is situated on property annexed into a municipality and that, at the time of the annexation, is receiving the Economic Development Ad Valorem Tax Exemption from Pinellas County under F.S. § 196.1995.

New job means a full-time equivalent job which is new to the City.

Property appraiser means the Pinellas County Property Appraiser.

Qualifying Average Annual Wage means the average wage of all new jobs created must be greater than the average annual wage for Pinellas County as published yearly by Enterprise Florida, Inc. in the year in which the Economic Development Ad Valorem Tax Exemption is granted.

Sales Factor ~~means the sales factor~~ is a fraction the numerator of which is the total sales of the taxpayer in the MSA during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

Tangible Personal Property shall have the meaning set forth in F.S. § 192.001.

Target Industry Business means an Expansion of an Existing Business or a New Business that is engaged in a business designated as a “target industry business” pursuant to F.S. § 288.005.

Sec. 7-304. Establishment of economic development ad valorem tax exemption process.

- (A) Incentive. There is herein established an Economic Development Ad Valorem Tax Exemption for ad valorem taxes levied by the City. The Exemption is a local option tax incentive for a qualifying New Business or Expansion to an Existing Business which may be granted or refused at the sole discretion of the Council.
- (B) ~~(A)~~ Ineligible Improvements. The Exemption shall not accrue to Improvements to real property made by or for the use of a qualifying New Business or Expansion to an Existing Business when such Improvements have been included on the tax rolls prior to the effective date of the ordinance specifically granting a Business the Exemption.
- (C) ~~(B)~~ Eligible Improvements. At the discretion of the Council, the Exemption may be granted ~~for up to seventy five (75) percent according to the Ad Valorem Tax Exemption Scoring System~~ of the assessed value of all Improvements to the real property made by or for the use of a qualifying New Business and of all tangible

personal property of such New Business, ~~or up to seventy-five (75) percent~~ of the assessed value of all added Improvements to real property made to facilitate the qualifying 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 granting the Exemption is adopted. Property acquired to replace existing property shall not be considered to facilitate a business expansion.

- (D) ~~(C) Land.~~ No Exemption shall be granted for the land upon which a New Business or Expansion of an Existing Business is to be located.
- (E) ~~(D) Exemption non-transferable.~~ Any Exemption granted for a New Business or Expansion of an Existing Business is non-transferable between businesses; provided, however, if the only change to the Qualified Business is one of ownership and all other provisions of the original Application remain in effect, the Exemption may be transferred, subject to compliance with Section 7-309.
- (F) ~~(E) Taxes Applicable.~~ The Exemption shall apply only to taxes levied by the City. The Exemption shall not apply to taxes levied by the County, school district or water management district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9(b) or 12, Article VII of the Florida Constitution or any other taxes levied by any other entity.

Sec. 7-305. Request for Exemption Resolution.

A Qualified Business that seeks the Exemption may file with the City a written request for an exemption resolution. The request shall be made in the form prescribed by the City. If the City Manager determines that the Qualified Business seeking the Exemption under this Article III meets the eligibility criteria and is likely to receive points through the Exemption Scoring System, set forth in Section 3-307 below, the exemption resolution shall be scheduled to be heard before the Council. The Council may choose in its sole and absolute discretion to adopt an exemption resolution.

Sec. ~~7-305~~ 7-306. Application for exemption.

- (A) *Application.* Any eligible person, firm, partnership, or corporation which desires an Economic Development Ad Valorem Tax Exemption shall file with the City a written application. The Application must be filed no later than March 1 of the year the Exemption is desired to take effect.
- ~~(B) Review. Upon submittal of the Application, the City Manager or his designee shall review same and, within ten (10) days of submission, notify the Application Applicant of any facial deficiencies. Complete Applications shall be scheduled for a public hearing before the Council no later than forty-five (45) days following receipt of a complete Application. The 45-day period shall include the Property Appraiser's review pursuant to §7-307(A). Applicant shall be notified of the date and time of the public hearing.~~

(B) Application requirements. The application shall request the adoption of an ordinance granting the Exemption from ad valorem taxation pursuant to F.S. § 196.1995, and shall include the following information:

- (1) The name and location of the New Business or the Expansion of an Existing Business;
- (2) A description of the improvements to real property for which the Exemption is requested and the date of commencement of construction of such improvements;
- (3) A description of the Tangible Personal Property for which the Exemption is requested and the dates when such property was or is to be purchased;
- (4) Proof, to the satisfaction of the Council that the applicant is a New Business or an Expansion of an Existing Business, as defined in F.S. § 196.012;
- (5) The number of jobs the applicant expects to create along with the average annual wage of the jobs and whether the jobs are for full-time equivalent employees;
- (6) The expected time schedule for job creation;
- (7) Proof of ownership of the improvements to the real property and/or tangible personal property subject to ad valorem taxation must be demonstrated. If the applicant is not the property owner, proof of liability for the ad valorem taxation on the improvements to the real property and/or tangible personal property must be demonstrated;
- (8) Other information deemed necessary or appropriate by the City.

~~(C) Agreement.~~ A Qualified Business will be required to enter into an agreement with the City stating that the Qualified Business will satisfy the Business Maintenance and Continued Performance Conditions set forth in the Application.

(C) ~~(B) Review.~~ Upon submittal of the Application, the City Manager or his designee shall review same and, within ten (10) days of submission, notify the ~~Application~~ Applicant of any ~~facial~~ deficiencies. Complete Applications shall be scheduled for a public hearing before the Council no later than forty-five (45) days following receipt of a complete Application. The 45-day period shall include the Property Appraiser's review pursuant to Section 7-307(C). Applicant shall be notified of the date and time of the public hearing.

(D) ~~(C) Agreement.~~ A Qualified Business will be required to enter into an agreement with the City stating that the Qualified Business will satisfy the Business Maintenance and Continued Performance Conditions set forth in the Application.

Sec. 7-306 7-307. Council consideration of applications.

- (A) *Property Appraiser Review.* Before the Council takes action on an application, a copy of the Application, once deemed complete, shall be delivered to the Property Appraiser for review. Within fifteen (15) days of receipt of the complete Application, the Property Appraiser shall provide a report to City staff, which shall include the following:
- (1) The total revenue available to the City for the current fiscal year from ad valorem tax sources, or an estimate of such revenue of the actual total available revenue cannot be determined;
 - (2) The amount of revenue lost to the City for the current fiscal year by virtue of exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;
 - (3) An estimate of the amount of revenue which would be lost to the City for the current fiscal year if the Exemption applied for was granted and had the property for which the Exemption is requested otherwise been subject to taxation; and
 - (4) A determination as to whether the property for which the Exemption is requested is to be incorporated into a New Business or the Expansion of an Existing Business, or into neither, which determination the Property Appraiser shall also affix to the face of the application. Upon request, the City will provide the Property Appraiser such information as it may have available to assist in making this determination.
- (B) *Ineligibility Criteria.*
- (1) Any business, business owner, officer, partner or principal actor acting on behalf of the business or applicant, that has been convicted of a felony (within the last ten years) or a misdemeanor involving crimes of violence, dishonesty or false statement (within the last five (5) years) of any federal or state law or regulation is not eligible for an exemption.
 - (2) For those Qualified Businesses located within those portions of the City comprising a tax increment finance district for which City general fund and/or Community Redevelopment Area ad valorem revenues have been pledged, the Council shall only consider applications for a Tangible Personal Property tax exemption, as allowed by Florida law.
 - (3) Any business in violation of any federal, state, or local law or regulation, including, but not limited to, environmental laws or regulations, will not be eligible for an exemption.

- (C) ~~(B)~~ Exemption Scoring System and Eligibility Criteria: For New Business or the Expansion of an Existing Business as defined in Section 7-303 above, the exemption scoring system and eligibility criteria for consideration by the Council as to whether the Exemption should be granted to Applicant are as set forth below per F.S. § 196.1995:

(1) New Business

Manufacturing ———— A business or organization establishing 10 or more new jobs to employ 10 or more full time employees in this City, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant.
Targeted Industry ———— A business or organization establishing 10 or more new jobs to employ or 10 or more full time employees in this City, which is a targeted industry business as defined in F.S. 288.106(2)(q).
Business with Sales ———— A business or organization establishing 25 or more new jobs to employ 25 or more full time employees in this City, the sales factor of which, as defined by F.S. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed.
Office ———— An office space in this City owned and used by a business or organization newly domiciled in this state; provided such office space houses 50 or more full time employees of such business or organization; provided that such business or organization office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

(2) Expansion of an Existing Business

Manufacturing ———— A business or organization establishing 10 or more new jobs to employ 10 or more full time employees in the City, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant.
Targeted Industry ———— A business or organization establishing 10 or more new jobs to employ or 10 or more full time employees in this City, which is a target industry business as defined in F.S. 288.106(2)(q).
Business with Sales — ———— A business or organization establishing 25 or more new jobs to employ 25 or more full time employees in this City, the sales factor of which, as defined by F.S. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; provided that such business increase operations on a site located within the City co-located with a commercial or industrial operation owned by the same business or organization under common control with the same

business or organization, resulting in a net increase in employment of not less than 10 percent or an increase in productive output or sales of not less than 10 percent.

Office

_____ An office space in this City owned and used by a business or organization newly domiciled in this state; provided such office space houses **50 or more** full-time employees of such business or organization; provided that such business or organization office first begins operation on a site clearly sperate from any other commercial or industrial operation owned by the same business or organization.

Annexed Property

_____ A business or organization that is situated on property annexed into the City and that, at the time of the annexation, is receiving an economic development ad valorem tax exemption from the county under F.S. 196.1995.

Ad Valorem Tax Exemption Scoring System

Total Points Obtainable by Applicant: 120 possible points = 105 base points + 15 bonus points

Capital Investment					
Capital Investment	Under \$2 Million	\$2 Million to \$10 Million	\$11 Million to \$50 Million	\$51 Million to \$100 Million	Above \$101 Million
Points Awarded	10	15	20	30	35

Wage Level					
Wage Level	Minimum Qualifying Wage (MQW)	125% MQW	150% MQW	200% MQW	225%+ MQW
Points Awarded	10	15	20	30	35

Employee Headcount Increase					
Manufacturing/Target Industry Business Headcount Increase	Meets Minimum Job Creation	11-39 New Jobs	40-99 New Jobs	100-149 New Jobs	150+ New Jobs
Points Awarded	10	15	20	30	35
Non-Target Industry Company with Outside Florida Sales Project Headcount Increase	Meets Minimum Job Creation	26-74 New Jobs	75-124 New Jobs	125-174 New Jobs	175+ New Jobs
Points Awarded	10	15	20	30	35
Non-Target Industry Office Project	Meets Minimum				200+

Headcount Increase	Job Creation	51-100 New Jobs	101-150 New Jobs	151-200 New Jobs	New Jobs
Points Awarded	10	15	20	30	35
Bonus if Company is Increasing their Headcount by 25%: 15 pts					

Exemption Structure				
Tier Classification	Tier 1	Tier 2	Tier 3	Tier 4
Total Points Earned	30 - 49	50 - 75	76 - 99	100
Exemption Structure: Maximum Years/Percentage	5 years / 50%	7 years / 75%	10 years / 85%	10 years / 100%

~~Economic Development Policy Guidelines. In making its determination as to whether to grant the Exemption, and, if granted, the duration and percentage of the Exemption, the Council shall consider the following factors:~~

(D) In considering any application for the Exemption, Council shall take into account the following criteria:

- ~~(1) — Number of current projected employee of the Business located in the City.~~
- ~~(2) — Average Wage of Employees of the Business located in the City.~~
- ~~(3) — Applicants must pay no less than the Qualifying Average Annual Wage.~~
- ~~(4) — Amount of Capital Investment. Applicants must invest no less than \$100,000.~~
- ~~(5) — Innovative Business~~
- ~~(6) — Environmental Impact~~
- ~~(7) — Commitment to Local Procurement~~
- ~~(8) — Net positive contribution to the local economy~~
- ~~(9) — Sales factor~~
- (1) Net total number of new jobs to be created by the Applicant;
- (2) The average annual wage of the new jobs;

- (3) The capital investment to be made by the Applicant;
- (4) The type of business or operation and whether it qualifies as a target industry;
- (5) The environmental impact of the proposed business or operation;
- (6) The extent of commitment to local procurement by the applicant;
and
- (7) Any other economic-related characteristics or criteria deemed necessary by the board.

~~In addition to the above factors, Council may consider any such other activity or factor that promotes the sustainability of the Economic Development within the City.~~

- (E) ~~(D)~~ Exemption Ordinance. After consideration of the Application and the Property Appraiser's review, ~~Economic Development Policy Guidelines~~, and such other information it deems relevant, the Council may choose to adopt an ordinance granting the Exemption to the Applicant ~~for up to 75 percent of the assessed value of the qualifying property for up to 10 years~~ in accordance with the Ad Valorem Tax Exemption Scoring System. If granted, the ordinance shall include the following information:

- ~~(1) The name and address of the New Business or the Expansion of an Existing Business;~~
- ~~(2) The name of the owner(s) of the New Business or the Expansion of an Existing Business;~~
- ~~(3) The total amount of revenue available to the City from ad valorem tax sources for the current fiscal year, the total amount of revenue lost to the City for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the Exemption granted to the new or expanding business;~~
- ~~(4) The expiration date of the Exemption, which is (10) ten years or less (depending on the duration of the Exemption granted) from the date the Council enacts the Ordinance granting the Exemption; and~~
- ~~(5) A finding that the business meets the definition of a New Business or an Expansion of an Existing Business as set forth in §7-106(B) herein.~~

- (1) The name and address of the New Business or Expansion of an Existing Business to which the Exemption is granted;
- (2) The name of the owners of the New Business or Expansion of an Existing Business;
- (3) The total amount of revenue available to the City from the ad valorem tax sources for the current fiscal year, the total amount of revenue lost to the City for the current fiscal year by virtue of exemptions currently in effect, and the estimated revenue lost to the City for the current fiscal year attributable to the Exemption named in the exemption ordinance;
- (4) The period of time for which the Exemption will remain in effect and the expiration date of the Exemption, which may be any period of time up to ten (10) years, or up to twenty (20) years for a data center;
- (5) A finding that the Qualified Business named in the exemption ordinance meets the requirements of F.S. § 196.012 (14) or (15), as applicable; and
- (6) Provisions for transferability of the Exemption.

Sec. 7-307 7-308. Application Fee

No fees shall be charged for processing the Exemption Application or an Exemption Ordinance adopted by the Council.

~~———— (A) Change in ownership.~~

~~———— (1) The Business granted the Exemption shall be required to inform the Council in writing within ten (10) days as to any changes in ownership of the Business granted an Exemption.~~

~~———— (2) Failure of the Business granted an Exemption to notify the City in writing of any such changes in ownership is cause for revocation of the ordinance granting the Exemption, at the Council's discretion.~~

~~———— (B) Annual filings. The Applicant shall be required to submit an Annual Renewal Statement and an Annual Report to the Economic Development and Housing Department on or before March 1st of each year for which the Exemption was granted. The Applicant shall also timely comply with all filings pursuant to F.S. § 196.011.~~

~~———— (1) The Annual Report shall certify that information provided in the original Application has not changed.~~

~~_____ (2) The Annual Report shall provide a report on the status of the Business, _____
_____ evidencing satisfaction with the Business Maintenance and Continued
Performance _____ conditions set forth in the Application~~

Sec. 7-309. Continuing Performance

(A) Change in Ownership

- (1) The Qualified Business granted the Exemption shall be required to inform the Council in writing within ten (10) days as to any changes in ownership of the Business granted the Exemption.
- (2) Failure of the Qualified Business granted the Exemption to notify the City in writing of any such changes in ownership is cause for revocation of the Ordinance granting the Exemption, at the Council's discretion.

(B) Annual Filings

The Applicant shall be required to submit an Annual Renewal Statement and an Annual Report to the Economic Development and Housing Department on or before March 1st of each year for which the Exemption was granted. The Applicant shall also timely comply with all exemption filings pursuant to F.S. § 196.011, Florida Statutes.

- (1) Th Annual Report shall certify that information provided in the original Application has not changed.
- (2) The Annual Report shall provide a report on the status of the Qualified Business, evidencing satisfaction of the Business Maintenance and Continued Performance conditions set forth in the Application.

Sec. 7-308 7-310. Council Revocation.

~~Should any Business Granted an Exemption pursuant to the Ordinance fail to file the Annual Renewal Statement and/or Annual Report with the Council on or before March 1st of each year the Exemption has been granted as required in Section 7-107 (B) of this Ordinance, fail to continue to meet the definition of a New Business or an Expansion of an Existing Business as set forth herein, fail to timely file a written report of change of ownership and/or fail to file a new Application upon any other change in the information provided in the original Application, and/or fail to fulfill any other representation made to the Council during the Application process, including creation and maintenance of the total number of new jobs identified by business in the Application, the Council, may, upon 30 days written notice to the respective Business, adopt an ordinance revoking the ad valorem tax exemption or take other such action with respect to the exemption it deems appropriate.~~

- ~~(A) Notification. Upon Revocation the Council shall immediately notify the Property Appraiser.~~

~~(B) *Recover Taxes.* If it is determined that for any year within the Exemption period the owner was not entitled to receive such Exemption, the owner of the property shall be subject to the taxes exempted as a result of such failure plus annual interest at the maximum rate allowed by law.~~

~~(C) *Reapply.* Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to State Law.~~

(A) Should any Qualified Business who is granted the Exemption pursuant to this Article fail to comply with one or more items below, the City may, upon thirty (30) days' prior written notice to the respective Qualified Business receiving the Exemption, adopt an ordinance revoking the Exemption or take such other action with respect to the Exemption as it deems appropriate:

1. Fail to file the annual renewal statement and/or annual report on or before March 1st of each year during the period for which the Exemption has been granted as required by this Article;
2. Fail to continue to meet the definition of a New Business or an Expansion of an Existing Business;
3. Fail to timely inform the City of a change of ownership;
4. Fail to file a new application upon any change in the information provided in the original application;
5. Fail to fulfill any other representation made to the City during the application process; and/or
6. Fail to comply with any other requirement provided for in this Article.

(B) *Notification.* Upon revocation of the Exemption, the City shall immediately notify the Property Appraiser.

(C) *Recovery of taxes.* If it is determined that a business was not in fact entitled to the Exemption in any year for which the business received the Exemption, the City, Property Appraiser or Pinellas County Tax Collector shall be entitled to recover all taxes not paid as a result of the Exemption, plus interest at the maximum rate allowed by Florida law, plus all costs of collection, including, without limitation, reasonable attorney's fees.

(D) *Reapplication.* Nothing herein shall prohibit a business from reapplying for an Economic Development Ad Valorem Tax Exemption pursuant to state law and this Article.

~~———— If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or applications. To this end, the provisions of this article are declared severable.~~

Sec. 7-310 7-311. Sunset Date.

Pursuant to F.S. § 196.1995, this Article shall expire on ~~November 6, 2025~~ March 19, 2034, ten (10) years after the date such authority to grant Economic Development Ad Valorem Tax Exemptions was approved by the electors of the City voting on the question in a referendum. No Qualified Business shall be allowed to begin receiving the Exemption after that date; however, the expiration shall not affect the operation of any Exemption for which a Qualified Business has been approved by the Council under this Ordinance prior to ~~November 6, 2025~~ March 19, 2034.

SECTION 2: That all ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be, and they are hereby repealed insofar as the same affect this Ordinance.

SECTION 3: The provisions of the ordinance and any parts or subparts thereof shall be deemed severable and independent of each other and in the event that any portion or subsection of this ordinance is found to be invalid or unenforceable as declared by a Court of competent jurisdiction, such findings shall not affect any remaining portions of this ordinance.

SECTION 4: It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the “Code of Ordinances” of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this ordinance in an appropriate place to accomplish such intention.

SECTION 5: That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____, DAY OF _____, 2025.

FIRST READING _____, DAY OF _____, 2025.

PUBLIC HEARING THE _____, DAY OF _____, 2025.

PASSED THIS _____, DAY OF _____, 2025.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____, DAY OF _____, 2025.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK

Business Impact Estimate

This form must be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **Ordinance 2025-XX**

AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING CHAPTER 7, "TAXATION" BY AMENDING ARTICLE III, "ECONOMIC DEVELOPMENT INCENTIVES", BY ESTABLISHING AN EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR CERTAIN NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES; PROVIDING FOR ENACTMENT AUTHORITY; PROVIDING FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PROCESS; REQUIRING A REQUEST FOR EXEMPTION RESOLUTION BY CITY COUNCIL; REQUIRING AN APPLICATION FOR EXEMPTION; PROVIDING FOR CITY COUNCIL'S CONSIDERATION OF APPLICATIONS AND PROVIDING ELIGIBILITY CRITERIA; PROVIDING FOR NO APPLICATION FEES; PROVIDING FOR CONTINUING PERFORMANCE; PROVIDING FOR CITY COUNCIL REVOCATION OF EXEMPTION; PROVIDING FOR A SUNSET DATE ; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. (LDC-1026-00001)

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is ***not*** required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;
- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This ordinance updates the City's Ad Valorem Tax Exemption program to include a tiered system for evaluation and extends the sunset of this program until March 19, 2034.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

None as this is a voluntary program to assist with the development or expansion of a business.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

None as this is a voluntary program to assist with the development or expansion of a business.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Depends on the amount of taxes per year accumulated that will be exempt.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

New businesses or expanding target industry businesses who fulfill the employment number and wage requirement.

4. Additional information the governing body deems useful (if any):

None.