

STORAGE NAME: h4033z.ca
DATE: May 6, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 4033
RELATING TO: Pensacola City Council Elections, Escambia County
SPONSOR(S): Representative Maygarden & others
COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 4033 was passed by the House Committee on Community Affairs on March 30, 1998. The bill passed the House on April 24, 1998, by a vote of 120 YEAS and 0 NAYS. The bill was received by the Senate on April 28, 1998 and was referred to the Senate Committee on Rules and Calendar. It was withdrawn from the Senate Committee on Rules and Calendar on May 1, 1998 and placed on the Senate Local Calendar. The Senate passed HB 4033 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-498, Laws of Florida.

II. SUMMARY:

The bill allows the City of Pensacola's city council to pass ordinances establishing its election and runoff election dates.

The bill provides that the city council shall provide by ordinance an alternative method of a candidate being placed on a ballot in lieu of a qualification fee.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The City of Pensacola was created in 1931 by chapter 31-15425, Laws of Florida, replacing an existing charter. The city is granted all powers relating to municipal affairs. All powers of the city are vested in a city council.

Currently, if a candidate cannot pay the \$50 qualification fee as provided in its current charter, the candidate can be placed on the ballot for an election and any subsequent runoff election by means of a petitioning process. To qualify for this process, the candidate must first file with the city clerk stating his/her intention and state that there is an inability to pay the qualification fee. The candidate is then provided with petition forms which must be signed by a specific number of qualified voters based on whether the seat is an at-large seat or a district seat. Upon verification by the supervisor of elections, the candidate submits a copy of notice and qualifying papers to the clerk, and the candidate's name is placed on the ballot.

The city council's elections are held the second Tuesday in May of each odd-numbered year. Runoff elections are held the fourth Tuesday in May. Candidates who receive a majority of votes in the general election are elected to the council. The city council passes ordinances providing for details and procedures for conducting the general and runoff elections. Council members take office on the second Monday of June.

B. EFFECT OF PROPOSED CHANGES:

The bill allows the City of Pensacola's city council to pass ordinances establishing its election and runoff election dates.

The bill provides that the city council shall provide by ordinance an alternative method of a candidate being placed on a ballot in lieu of a qualification fee. Under its current charter, candidates who cannot pay the \$50 qualification fee, can petition to get their names place on the ballot for the general and runoff election.

The bill does not change the date when elected members take office.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Subsection (2) of section 4 of chapter 15425, Laws of Florida, 1931, as amended by chapters 71-852, 89-486, and 90-472, Laws of Florida and subsection (6) of section 100 of chapter 15425, Laws of Florida, 1931, as amended by chapters 65-2100 and 70-884, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Provides for the city council to provide by ordinance an alternative method of a candidate being placed on a ballot in lieu of a qualification fee.

Section 2: Provides that the city council elections shall be held in the spring of every odd-numbered year; and provides that the city council establish election and run off election dates.

Section 3: Repeals all laws or parts of laws in conflict with this act.

Section 4: Provides a severability clause.

Section 5: Provides the effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 1998

WHERE? Pensacola, Florida; Pensacola News Journal

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

V. COMMENTS:

The bill was requested by the City of Pensacola's Supervisor of Elections. The Supervisor asked for the changes because the current schedule does not allow enough time for absentee ballot voting. Please see attached letter.

The changes require a special act rather than an ordinance since the charter provides for the election dates and petition qualification process. Currently, the "Municipal Home Rule Powers Act" does not grant the authority to pass ordinances on these issues. Upon the enactment of this bill, the council is authorized to adopt ordinances on these two issues.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Laura L. Jacobs

Joan Highsmith-Smith

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PAGE 7

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

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