



HB 0423

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1                                   A bill to be entitled  
 2           An act relating to the City of Pensacola; amending ch. 72-  
 3           655, Laws of Florida; revising provisions relating to  
 4           referendum elections for levy of ad valorem property tax  
 5           for the Pensacola downtown area, change of downtown area  
 6           boundaries, and repeal of the act; providing for  
 7           eligibility of electors; deleting provisions relating to  
 8           registration of electors; providing for election  
 9           procedures and results; removing provisions relating to  
 10          notification, additional registration, voting, and passage  
 11          of and failure to approve the act; providing an effective  
 12          date.

14 Be It Enacted by the Legislature of the State of Florida:

16           Section 1. Section 13 of chapter 72-655, Laws of Florida,  
 17           is amended to read:

18           Section 13. Referendum.--The power of the board to call  
 19           for a referendum election for the levy of an ad valorem tax in  
 20           addition to the one (1) mill tax previously authorized pursuant  
 21           to section 9 of this act, any changes of boundaries of the  
 22           downtown area, and any repeal of this act shall be determined by  
 23           referendum elections in accordance with the provisions of this  
 24           section as follows: No powers shall be exercised by the board,  
 25           nor shall any special taxing district be established, until such  
 26           time as the qualified electors in the downtown area approve of  
 27           this act in accordance with the referendum provisions provided  
 28           as follows:

29           (1) ELECTION SUPERVISOR.-- For the purposes of this  
 30           section, referendum the city clerk shall act as election



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31 supervisor and do all things necessary to carry out the  
32 provisions of this section.

33 (2) ELECTORS.--Any elector who is the owner of a freehold  
34 not wholly exempt from taxation within the downtown area  
35 established pursuant to section 4 of this act shall be eligible  
36 to vote in any referendum election provided for in this act.  
37 The owner of such freeholds shall be determined by the city  
38 clerk from the most recent real property assessment roll  
39 prepared by the property appraiser pursuant to general law prior  
40 to the scheduled referendum election. However, the grantee by  
41 conveyance of a freehold in the downtown area subsequent to the  
42 most recent real property assessment roll may present evidence  
43 of such conveyance to the city clerk not later than 60 days  
44 prior to the date of a referendum election, whereupon the clerk,  
45 after verifying such conveyance, shall substitute the name of  
46 the grantee as an elector in place of the owner appearing on the  
47 real property assessment roll. No more than one (1) ballot per  
48 freehold shall be cast in any referendum election.

49 ~~REGISTRATION.--Within forty-five (45) days from the date the~~  
50 ~~city adopts the ordinance defining the downtown area, the clerk~~  
51 ~~shall compile a list of the names and last known addresses of~~  
52 ~~the qualified electors in the downtown area from the tax~~  
53 ~~assessment roll of the City of Pensacola applicable as of~~  
54 ~~December 31 in the year immediately preceding the year in which~~  
55 ~~the aforesaid ordinance was adopted and the same shall~~  
56 ~~constitute the registration list for the purposes of the~~  
57 ~~electors' referendum hereinunder except as hereinafter provided.~~

58 (3) ELECTION PROCEDURES AND RESULTS.--The board shall  
59 determine by rule procedures for notice of referendum elections,  
60 the time and duration of the referendum and balloting periods,



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61 and the form of the ballots. The outcome of any referendum  
62 shall be determined by the majority of votes cast by eligible  
63 electors casting mail ballots delivered by the board to  
64 electors. The city clerk shall determine and certify the  
65 results of the referendum to the city council.

66 ~~NOTIFICATION.-- Within the time period specified in subsection~~  
67 ~~(2), the clerk shall notify each qualified elector of the~~  
68 ~~general provisions of this act, including the taxing authority~~  
69 ~~and powers of eminent domain, the dates of the upcoming~~  
70 ~~referendum.~~

71 ~~Notification hereinunder shall be by certified United States~~  
72 ~~mail and in addition thereto by publication one (1) time in a~~  
73 ~~newspaper of general circulation in Escambia County within the~~  
74 ~~time period provided in subsection (2).~~

75 ~~(4) ADDITIONAL REGISTRATION.-- Any qualified elector whose~~  
76 ~~name does not appear on the tax rolls may register with the city~~  
77 ~~clerk at the city hall, Pensacola, or by mail in accordance with~~  
78 ~~regulations promulgated by the clerk. The registration books~~  
79 ~~shall remain open until seventy-five (75) days after the passage~~  
80 ~~of the ordinance defining the downtown area by the city council.~~

81 ~~(5) VOTING.--~~

82 ~~(a) Within fifteen (15) days after the closing of the~~  
83 ~~registration list, the clerk shall send a ballot to each~~  
84 ~~qualified elector at his last known mailing address by certified~~  
85 ~~United States mail. The ballot shall include a description of~~  
86 ~~the general provisions of this act. Ballots shall be returned to~~  
87 ~~the city clerk by United States mail or personal delivery at~~  
88 ~~city hall.~~

89 ~~(b) All ballots received by the clerk within one hundred~~  
90 ~~twenty (120) days after the passage of the ordinance defining~~



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91 ~~the downtown area shall be tabulated by the clerk who shall~~  
92 ~~certify the results thereof to the city council no later than~~  
93 ~~five (5) days after the one hundred twenty (120) day period.~~

94 ~~(c) Any person voting on behalf of himself or any~~  
95 ~~corporation, trust, partnership, or estate, who has knowledge~~  
96 ~~that he is not a qualified elector as defined by this act, is~~  
97 ~~guilty of perjury and shall be prosecuted and, upon conviction,~~  
98 ~~punished in accordance with the provisions of the laws of this~~  
99 ~~state.~~

100 ~~(6) PASSAGE OF THE ACT.--The qualified electors shall be~~  
101 ~~deemed to have approved of the provisions of this act at such~~  
102 ~~time as the clerk certifies to the city council that approval~~  
103 ~~has been given by the qualified electors representing in excess~~  
104 ~~of fifty percent (50%) of the assessed value of the property~~  
105 ~~within the downtown area.~~

106 ~~(7) FAILURE TO APPROVE ACT.--Should the electors fail to~~  
107 ~~approve of the provisions of this act as provided herein, the~~  
108 ~~city may call one (1) additional referendum by resolution to the~~  
109 ~~city council at any time after one (1) year from the~~  
110 ~~certification of the results of the previous referendum by the~~  
111 ~~clerk. The additional referendum shall be held in accordance~~  
112 ~~with the provisions of this section, except that all time~~  
113 ~~periods will be computed from the date of the resolution calling~~  
114 ~~for the referendum and not from the passage of the ordinance~~  
115 ~~defining the downtown area. Should the electors fail to~~  
116 ~~initially approve this act as provided herein after two (2) such~~  
117 ~~referenda, all provisions of this act shall be null and void,~~  
118 ~~and this act shall be repealed.~~

119 ~~(4)-(8) ADDITIONAL ELECTIONS FOR BOUNDARY~~  
120 ~~CHANGES.--Additional elections called after increasing or~~



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121 decreasing the boundaries of the downtown area in accordance  
 122 with section 4 of this act shall be held in accordance with the  
 123 referendum provisions for initial approval of this act; provided  
 124 however, that no provision of this act shall require the  
 125 approval of electors in an area which has previously approved of  
 126 the provisions of this act by any referendum held hereinunder.

127 (5)-(9) REPEAL REFERENDUM.--This act may be repealed by a  
 128 repeal referendum election which may be called by petition of  
 129 twenty percent (20%) of the electors ~~representing at least~~  
 130 ~~twenty percent (20%) of the assessed value of the property in~~  
 131 ~~the downtown area, for the purpose of abolishing the board and~~  
 132 ~~repealing this act.~~ Upon receipt of such a petition for a repeal  
 133 referendum by the city clerk, a referendum election shall be  
 134 called by the city. The procedure shall be the same as provided  
 135 for other referendum elections provided for in the initial  
 136 ~~approval of this act,~~ except that additional repeal referenda  
 137 may be petitioned at any time after one (1) year from the  
 138 certification of the results of a previous repeal referendum by  
 139 the clerk. The proposition shall be put on a ballot permitting  
 140 a vote for repeal of the Pensacola downtown improvement board or  
 141 against repeal. ~~A vote for repeal of the board by the electors~~  
 142 ~~representing more than fifty percent (50%) of the total~~  
 143 ~~qualified electors voting in the repeal referendum shall cause~~  
 144 ~~immediate cessation of the Pensacola downtown improvement board~~  
 145 ~~and shall constitute repeal of this act.~~

146 Section 2. This act shall take effect upon becoming a law.