



HB 0423

2003
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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the City of Pensacola; amending ch. 72-655, Laws of Florida; revising provisions relating to referendum elections for levy of ad valorem property tax for the Pensacola downtown area; amending downtown area boundaries; providing for abolishment of the Pensacola downtown improvement board; providing for eligibility of electors; deleting provisions relating to registration of electors; providing for election procedures and results; removing provisions relating to notification, additional registration, voting, and passage of and failure to approve the act; providing for an abolishment referendum; providing for transmittal of referendum results; providing for continued function; providing an effective date.

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



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

30 Section 13. Referendum.--The power of the board to call
31 for a referendum election for the levy of an ad valorem tax in
32 addition to the one (1) mill tax previously authorized pursuant
33 to section 9 of this act, any changes of boundaries of the
34 downtown area, and any abolishment of the Pensacola downtown
35 improvement board shall be determined by referendum elections in
36 accordance with the provisions of this section as follows: No
37 ~~powers shall be exercised by the board, nor shall any special~~
38 ~~taxing district be established, until such time as the qualified~~
39 ~~electors in the downtown area approve of this act in accordance~~
40 ~~with the referendum provisions provided as follows:~~

41 (1) ELECTION SUPERVISOR.-- For the purposes of this
42 section, referendum the city clerk shall act as election
43 supervisor and do all things necessary to carry out the
44 provisions of this section.

45 (2) ELECTORS.--Any elector who is the owner of a freehold
46 not wholly exempt from taxation within the downtown area
47 established pursuant to section 4 of this act shall be eligible
48 to vote in any referendum election provided for in this act.
49 The owner of such freeholds shall be determined by the city
50 clerk from the most recent real property assessment roll
51 prepared by the property appraiser pursuant to general law prior
52 to the scheduled referendum election. However, the grantee by
53 conveyance of a freehold in the downtown area subsequent to the
54 most recent real property assessment roll may present evidence
55 of such conveyance to the city clerk not later than 60 days



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56 prior to the date of a referendum election, whereupon the clerk,
 57 after verifying such conveyance, shall substitute the name of
 58 the grantee as an elector in place of the owner appearing on the
 59 real property assessment roll. No more than one (1) ballot per
 60 freehold shall be cast in any referendum election.

61 ~~REGISTRATION.--Within forty-five (45) days from the date the~~
 62 ~~city adopts the ordinance defining the downtown area, the clerk~~
 63 ~~shall compile a list of the names and last known addresses of~~
 64 ~~the qualified electors in the downtown area from the tax~~
 65 ~~assessment roll of the City of Pensacola applicable as of~~
 66 ~~December 31 in the year immediately preceding the year in which~~
 67 ~~the aforesaid ordinance was adopted and the same shall~~
 68 ~~constitute the registration list for the purposes of the~~
 69 ~~electors' referendum hereinunder except as hereinafter provided.~~

70 (3) ELECTION PROCEDURES AND RESULTS.--The board shall
 71 determine by rule procedures for notice of referendum elections,
 72 the time and duration of the referendum and balloting periods,
 73 and the form of the ballots. The outcome of any referendum
 74 shall be determined by the majority of votes cast by eligible
 75 electors casting mail ballots delivered by the board to
 76 electors. The city clerk shall determine and certify the
 77 results of the referendum to the city council.

78 ~~NOTIFICATION.--Within the time period specified in subsection~~
 79 ~~(2), the clerk shall notify each qualified elector of the~~
 80 ~~general provisions of this act, including the taxing authority~~
 81 ~~and powers of eminent domain, the dates of the upcoming~~
 82 ~~referendum.~~

83 ~~Notification hereinunder shall be by certified United States~~



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84 ~~mail and in addition thereto by publication one (1) time in a~~
85 ~~newspaper of general circulation in Escambia County within the~~
86 ~~time period provided in subsection (2).~~

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

93 ~~(5) VOTING.--~~

94 ~~(a) Within fifteen (15) days after the closing of the~~
95 ~~registration list, the clerk shall send a ballot to each~~
96 ~~qualified elector at his last known mailing address by certified~~
97 ~~United States mail. The ballot shall include a description of~~
98 ~~the general provisions of this act. Ballots shall be returned to~~
99 ~~the city clerk by United States mail or personal delivery at~~
100 ~~city hall.~~

101 ~~(b) All ballots received by the clerk within one hundred~~
102 ~~twenty (120) days after the passage of the ordinance defining~~
103 ~~the downtown area shall be tabulated by the clerk who shall~~
104 ~~certify the results thereof to the city council no later than~~
105 ~~five (5) days after the one hundred twenty (120) day period.~~

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



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112 ~~(6) PASSAGE OF THE ACT.~~ The qualified electors shall be
 113 ~~deemed to have approved of the provisions of this act at such~~
 114 ~~time as the clerk certifies to the city council that approval~~
 115 ~~has been given by the qualified electors representing in excess~~
 116 ~~of fifty percent (50%) of the assessed value of the property~~
 117 ~~within the downtown area.~~

118 ~~(7) FAILURE TO APPROVE ACT.~~ Should the electors fail to
 119 ~~approve of the provisions of this act as provided herein, the~~
 120 ~~city may call one (1) additional referendum by resolution to the~~
 121 ~~city council at any time after one (1) year from the~~
 122 ~~certification of the results of the previous referendum by the~~
 123 ~~clerk. The additional referendum shall be held in accordance~~
 124 ~~with the provisions of this section, except that all time~~
 125 ~~periods will be computed from the date of the resolution calling~~
 126 ~~for the referendum and not from the passage of the ordinance~~
 127 ~~defining the downtown area. Should the electors fail to~~
 128 ~~initially approve this act as provided herein after two (2) such~~
 129 ~~referenda, all provisions of this act shall be null and void,~~
 130 ~~and this act shall be repealed.~~

131 (4)(8) ADDITIONAL ELECTIONS FOR BOUNDARY
 132 CHANGES.--Additional elections called after increasing or
 133 decreasing the boundaries of the downtown area in accordance
 134 with section 4 of this act shall be held in accordance with the
 135 referendum provisions for initial approval of this act; provided
 136 however, that no provision of this act shall require the
 137 approval of electors in an area which has previously approved of
 138 the provisions of this act by any referendum held hereinunder.

139 (5)(9) ABOLISHMENT REPEAL REFERENDUM.--A ~~repeal~~ referendum



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140 election may be called by petition of ~~electors representing at~~
141 ~~least~~ twenty percent (20%) of the electors ~~assessed value of the~~
142 ~~property~~ in the downtown area, for the purpose of ceasing the
143 activity of the district and seeking repeal of the act from the
144 Legislature ~~abolishing the board and repealing this act~~. Upon
145 receipt of such a petition for an abolishment ~~a repeal~~
146 referendum by the city clerk, a referendum election shall be
147 called by the city. The procedure shall be the same as provided
148 for other referendum elections provided for in the initial
149 ~~approval of this act~~, except that if an abolishment referendum
150 is defeated, then additional abolishment ~~repeal~~ referenda may be
151 petitioned at any time after one (1) year from the certification
152 of the results of a previous abolishment ~~repeal~~ referendum by
153 the clerk. The proposition shall be put on a ballot permitting
154 a vote for abolishment ~~repeal~~ of the Pensacola downtown
155 improvement board or against abolishment ~~repeal~~. If the
156 abolishment referendum is approved, then the city clerk shall
157 transmit the referendum results to the chair of the local
158 legislative delegation within 30 days of the certification of
159 the referendum results. Following certification of the
160 referendum results, the Pensacola downtown improvement board
161 shall continue to function until the act is repealed by the
162 Legislature. ~~A vote for repeal of the board by the electors~~
163 ~~representing more than fifty percent (50%) of the total~~
164 ~~qualified electors voting in the repeal referendum shall cause~~
165 ~~immediate cessation of the Pensacola downtown improvement board~~
166 ~~and shall constitute repeal of this act.~~

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