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A bill to be entitled

An act relating to the Tallahassee downtown improvement authority as a body corporate; codifying, reenacting, amending, and repealing chapters 71-935 and 91-394, Laws of Florida; providing a popular name; providing definitions; providing a statement of policy and legislative findings; prescribing the boundaries of the downtown area; prescribing the number, qualifications, term, and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board, prescribing its functions and powers, including powers to acquire, own, lease, and dispose of property, to request the City of Tallahassee to exercise its eminent domain power for public purposes, to issue, sell, and provide security for revenue certificates, to borrow on short term, to fix, regulate, and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; prescribing for the city to levy in each fiscal year an ad valorem property tax of not more than 1 mill to finance board operations; providing for assessment and collection thereof by the city; requiring maintenance of records, budget, and fiscal control; forbidding participation on behalf of the board by personnel financially interested in the matter



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30 involved; providing for succession by the city to the
 31 property and certain functions of the board if it ceases
 32 to exist or operate; regulating issuance of board revenue
 33 certificates; prescribing scope of this act; providing for
 34 a freeholders' election, and providing for its liberal
 35 construction and severability; providing an effective
 36 date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Pursuant to section 189.429, Florida Statutes,
 41 this act constitutes the codification of all special acts
 42 relating to the Tallahassee downtown improvement authority act.

43 It is the intent of the Legislature in enacting this law to
 44 provide a single, comprehensive special act charter for the
 45 district, including all current legislative authority granted to
 46 the district by its legislative enactments and any additional
 47 authority granted by this act.

48 Section 2. Chapters 71-935 and 91-394, Laws of Florida,
 49 relating to the Tallahassee downtown improvement authority are
 50 codified, reenacted, amended, and repealed as provided herein.

51 Section 3. The charter for the Tallahassee downtown
 52 improvement district is re-created and reenacted to read:

53 Section 1. Popular name.--This act shall be known by the
 54 popular name the "Tallahassee downtown improvement authority
 55 act."

56 Section 2. Definitions and rules of construction.--Unless
 57 qualified in the text, the following definitions and rules of
 58 construction shall apply hereto:



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59 (1) "Board" means the Tallahassee downtown improvement
60 authority hereby created, and any successor to its functions,
61 authority, rights, and obligations.

62 (2) "City" and "Tallahassee" mean the City of Tallahassee,
63 Florida.

64 (3) "City commission" means the Tallahassee city
65 commission and any succeeding governing body of the city.

66 (4) "Downtown" and "downtown area" mean the area
67 established by the city commission as set forth herein and to
68 which this act primarily relates, including the central business
69 district and its environs.

70 (5) "Herein," "hereby," "hereof," and similar compounds
71 refer to the entire act.

72 (6) "Including" shall be constructed as merely introducing
73 illustrative examples and not as limiting in any way the
74 generality of the inclusive term.

75 (7) "Majority" without qualification means a majority of a
76 quorum.

77 (8) "Mayor" means the Mayor of the City of Tallahassee.

78 (9) "State" means the State of Florida.

79 (10) "Freeholder" for the purposes of this act means any
80 owner of real property in the downtown area not wholly exempt
81 from ad valorem taxation, whether individual, corporation,
82 trust, estate, or partnership residing or with its principal
83 place of business located in the United States of America.

84 Section 3. Statement of policy and legislative findings.--

85 (1) It is the policy of the state to make it possible for
86 the city to revitalize and preserve property values and prevent
87 deterioration in the downtown area by a system of self-help to



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88 correct the commercial blight of such deterioration as has
89 developed there. The board hereby created is intended to provide
90 a vehicle whereby property owners who will benefit directly from
91 the results of such a program will bear the substantial cost
92 thereof and thereby local problems may be solved on the local
93 level through the use of machinery provided by local government.

94 (2) The Legislature hereby finds and declares that among
95 the many causes of such commercial blight in the downtown area
96 are the following: automobile traffic flow is strangled by
97 outmoded street patterns, proliferation of uncoordinated uses
98 and parking areas, unsuitable topography, faulty lot layouts,
99 fragmentation of land uses and parking areas necessitating
100 frequent automobile movement, lack of separation of pedestrian
101 areas from auto traffic, lack of separation of vehicle traffic
102 lanes and railroad traffic, air pollution, and excessive noise
103 levels from strangled auto traffic. Voluntary cooperation for
104 coordinated development has limitations because of fragmentary
105 ownership, distant absentee ownership and unusual conditions of
106 title, and other conditions.

107 (3) The downtown area is plagued with vacant and
108 deteriorating buildings which are neglected and produce a
109 depressing atmosphere. Many businesses of all types have left
110 the area for new locations in suburban shopping centers and few
111 businesses have entered to take their places. The oldest
112 commercial structures in the city are in this area and some are
113 obsolete, of inferior construction, and incompatible with modern
114 functional design as is featured in competitive shopping
115 centers.

116 (4) The area now has few residences and many of the



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117 residences which do exist are undersized and of inferior
118 construction which would not be permitted for new construction
119 under the city's building code. It is in some instances a proper
120 function of government to remove blight and blighting influences
121 from commercial areas. The police power may be inadequate to
122 accomplish this purpose. One effective device for removal of the
123 blight of the downtown area is the planning and implementation
124 of planning for appropriate land use, beautification, continuity
125 of planning and aesthetic and technical design concepts, and
126 removal of deteriorated and obsolescent structures.

127 (5) The Legislature further finds and declares that the
128 provisions of this act and the powers afforded to the board are
129 desirable to guide and accomplish the coordinated, balanced, and
130 harmonious development of the downtown area in accordance with
131 existing and future needs; to promote the health, safety, and
132 general welfare of the area and its inhabitants, visitors,
133 property owners, and workers; to establish, maintain, and
134 preserve aesthetic values and preserve and foster the
135 development and display of attractiveness; to prevent
136 overcrowding and congestion; to improve auto traffic and provide
137 pedestrian safety; and to provide a way of life which combines
138 the conveniences and amenities of modern living with the
139 traditions and pleasures of the past.

140 Section 4. Downtown area description.--The downtown area
141 includes the central business district and its environs, being
142 all lands lying within boundaries described by the city
143 commission as follows:

144 Commence at the centerline of the intersection of
145 Pensacola and Bronough Streets; thence continue



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146 North along the center line of Bronough Street to
 147 the centerline of Call Street; thence East along
 148 the centerline of Call Street to the centerline of
 149 Duval Street; thence North along the centerline of
 150 Duval Street to the centerline of Tennessee
 151 Street; thence East along the centerline of
 152 Tennessee Street to the centerline of Gadsden
 153 Street; thence South along the centerline of
 154 Gadsden Street to the centerline of Pensacola
 155 Street; thence West along the centerline of
 156 Pensacola Street to the centerline of Monroe
 157 Street; thence North along the centerline of
 158 Monroe Street to the intersection of an extension
 159 of the centerline of Jefferson Street; thence West
 160 along the centerline of Jefferson Street to the
 161 centerline of Adams Street; thence South along the
 162 centerline of Adams Street to the intersection of
 163 an extension of the centerline of Pensacola
 164 Street; thence West along the centerline of
 165 Pensacola Street to the point of beginning.

166 The city commission may, from time to time, by the procedure
 167 herein provided, alter or amend the boundaries of the downtown
 168 area by the inclusion of additional territory or the exclusion
 169 of lands from the limits of the district; provided, however,
 170 that no real property included within the boundaries of the
 171 downtown area as established herein shall be removed from said
 172 area without the consent of the freeholders as provided in
 173 section 13 hereinafter.

174 Section 5. Creation of the board, composition, and



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175 provisions relating to members.--There is hereby created a board
176 composed of eight (8) members to be known officially as the
177 "Tallahassee downtown improvement authority." It is hereby
178 constituted a body corporate and an agency of the city, and
179 performance by the board of its duties and exercise of its
180 powers are hereby designated municipal functions and shall be so
181 construed.

182 (1) The mayor shall appoint the members of the board, with
183 the concurrence of the city commission, and by majority vote of
184 its entire membership the city commission may remove a member of
185 the board for cause. A member of both the city and county
186 commissions, appointed by the mayor and chair respectively,
187 shall serve as ex officio members of the board. A representative
188 of the city-county planning department, designated by the
189 executive head of the planning department, shall also serve as
190 an ex officio member of the board.

191 (2) Of the initial members, one (1) shall be appointed for
192 a term expiring July 1, 1972, two (2) for terms expiring July 1,
193 1973, and two (2) for terms expiring July 1, 1974; and
194 thereafter each succeeding member shall be appointed by the
195 mayor, with the concurrence of the city commission, for a term
196 of three (3) years. Of the additional members, one (1) shall be
197 appointed for a term expiring July 1, 1992; one (1) shall be
198 appointed for a term expiring July 1, 1993; and one (1) shall be
199 appointed for a term expiring July 1, 1994; and thereafter each
200 succeeding member shall be appointed by the mayor, with the
201 concurrence of the city commission, for a term of three (3)
202 years.

203 (3) To qualify for appointment to the board and to remain



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204 qualified for service on it, a prospective member or a member
205 already appointed shall be an owner of realty within the
206 downtown area, subject to ad valorem taxation, a lessee thereof
207 required by lease to pay taxes thereon, or a director, officer,
208 or managing agent of an owner or of a lessee thereof so required
209 to pay taxes thereon, but no two (2) shall be affiliates of the
210 same corporation, partnership, or other business entity, nor
211 shall any member be serving as a city officer or employee.

212 (4) Vacancy in office, which shall be filled in the manner
213 hereinabove provided within thirty (30) days of its occurrence
214 for the remainder of the unexpired term, shall occur whenever a
215 member is removed from office, becomes disqualified, or is
216 otherwise unable to serve or resigns.

217 (5) Each member of the board shall serve without
218 compensation for services rendered as a member, but may be
219 reimbursed by the board for necessary and reasonable expenses
220 actually incurred in the performance of duty. The board may
221 require that all its members or any or all its officers or
222 employees be required to post bond for faithful performances of
223 duty; the board shall require such bond of all persons
224 authorized to sign on accounts of the board; and the board shall
225 pay bonding costs. No member of the board shall be personally
226 liable for any action taken in attempting in good faith to
227 perform his or her duty, or for a decision not to act, except in
228 instances of fraud or willful neglect of duty.

229 Section 6. Board bylaws and internal governance.--The
230 board shall formulate and may amend its own rules of procedure
231 and written bylaws not inconsistent herewith, and such rules of
232 procedure and written bylaws, and amendments thereto, shall not



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233 become effective until approved by the city commission. A
234 majority of its entire membership shall constitute a quorum for
235 the transaction of business, but fewer than a quorum may adjourn
236 from time to time and may compel the attendance of absent
237 members. All action shall be taken by vote of at least a
238 majority present and voting. The board shall select one (1) of
239 its members as chair and another as vice chair and shall
240 prescribe their duties, powers, and terms of serving. It shall
241 hold regular meetings at least once a month and shall provide in
242 its bylaws for holding special meetings. All meetings shall be
243 given public notice and shall be open to the public. In time for
244 submission to the governing body as required of all departments
245 of the city, the board shall prepare and submit for the approval
246 of the board a budget for the operation of the board for the
247 ensuing fiscal year, the same to conform to the fiscal year of
248 the city. The budget shall be prepared in the manner and contain
249 the information required of all departments. However, when
250 approved by the city commission, it shall not require approval
251 of any officer or body of the city other than the governing
252 body. No funds of the city may be included in the budget of the
253 board except those funds herein authorized and the board shall
254 not expend any funds other than those authorized by the approved
255 budget.

256 Section 7. Functions of the board.--The board shall
257 perform the following functions:

258 (1) Prepare and maintain on a current basis an analysis of
259 the economic conditions and changes occurring in the downtown
260 area, including the effect thereon of such factors as
261 metropolitan growth, traffic congestion, lack of adequate



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262 parking and other access facilities, and structural obsolence
263 and deterioration.

264 (2) Formulate and maintain on a current basis both short-
265 range and long-range plans for improving the attractiveness and
266 accessibility to the public of downtown facilities, promoting
267 efficient use thereof, remedying the deterioration of downtown
268 property values, and developing the downtown area.

269 (3) Recommend to the city council for its consideration
270 and approval the actions deemed most suitable for implementing
271 the said downtown development plans, including removal, razing,
272 repair, renovation, reconstruction, remodeling, and improvement
273 of existing structures, addition of new structures and
274 facilities, relocation of those existing, and changes in
275 facilities for getting thereto and therefrom.

276 (4) Participate actively in the implementation and
277 execution of approved downtown development plans, including
278 establishment, acquisition, construction, ownership, financing,
279 leasing, licensing, operation, and management of publicly owned
280 or leased facilities deemed feasible and beneficial in effecting
281 implementation for public purposes, but this subsection shall
282 not give the board any power or control over any city property
283 unless and until assigned to it by the city commission under the
284 provisions of subsection (5) of this section.

285 (5) Carry on all other projects and undertakings
286 authorized by law and within the limits of the powers granted to
287 it by law, and such additional lawful projects and undertakings
288 related to the downtown area as the city commission may assign
289 to the board with its consent.

290 Section 8. Powers of the board.--In the performance of the



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291 functions vested in or assigned to the board, it is hereby
292 granted the following powers:

293 (1) To enter into contracts and agreements, and to sue and
294 to be sued as a body corporate;

295 (2) To have and use a corporate seal;

296 (3) To acquire, own, convey, or otherwise dispose of,
297 lease as lessor or lessee; construct, maintain, improve,
298 enlarge, raze, relocate, operate, and manage property and
299 facilities of whatever type to which it holds title; and to
300 grant and acquire licenses, easements, and options with respect
301 thereto. However, any property owned by the board will be
302 subject to the applicable state and local taxes imposed thereon;

303 (4) To accept grants and donations of any type of
304 property, labor, or other thing of value from any public or
305 private source;

306 (5) To receive the proceeds of the tax hereby imposed upon
307 it by trusts or other agreements validly entered into by it;

308 (6) To have exclusive control of funds legally available
309 to it, subject to limitations imposed upon it by law or by any
310 agreement validly entered into by it;

311 (7) To cooperate and enter into agreements with other
312 governmental agencies or other public bodies;

313 (8) To make to or receive from the city or Leon County
314 conveyances, leaseholds, grants, contributions, loans, and other
315 rights and privileges;

316 (9) To request by resolution that the city exercise its
317 powers of eminent domain to acquire any real property for public
318 purposes. If the property involved is acquired, the board shall
319 take over and assume control of such property on terms mutually



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320 agreed upon between the city and the board, but the board shall
 321 not thereafter be authorized to sell, lease, or otherwise
 322 dispose of such property so acquired without the formal consent
 323 of the city council;

324 (10) To issue and sell revenue certificates as hereinafter
 325 provided, or in any other manner permitted by law and not
 326 inconsistent with the provisions hereof, and to take all steps
 327 necessary for efficient preparation and marketing of the
 328 certificates at public or private sale at the best price
 329 obtainable, including the entry into agreements with corporate
 330 trustees, underwriters, and the holders of certificates, and the
 331 employment and payment, as a necessary expense of issuance, for
 332 the service of consultants on valuations, costs, and feasibility
 333 of undertaking, revenues to be anticipated and other financial
 334 matters, architecture, engineering, legal matters, accounting
 335 matters, and any other fields in which expert advice may be
 336 needed to effectuate advantageous issuance and marketing;

337 (11) To fix, regulate, and collect rents, fees, rates, and
 338 charges for facilities or projects or any parts thereof or
 339 services furnished by it or under its control and to pledge the
 340 revenue to the payment of revenue certificates issued by it;

341 (12) To borrow money after approval of the city commission
 342 on its unsecured notes, for a period not exceeding nine (9)
 343 months, in an aggregate amount for all outstanding unsecured
 344 notes not exceeding fifty (50%) percent of the unpledged
 345 proceeds received during the immediately prior fiscal year from
 346 the tax hereby imposed, and at an annual rate of interest not
 347 exceeding the rate being charged at the time of the loan by
 348 banks in the city on unsecured short-term loans to local



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349 businesses;

350 (13) To acquire by rental or otherwise and to equip and
351 maintain a principal office for the conduct of its business and
352 such branch offices as may be necessary;

353 (14) To employ and prescribe the duties, authority,
354 compensation not to exceed the highest salary paid to other non-
355 elective city employees, and reimbursement of expenses of the
356 executive director of the board, who shall act as its chief
357 executive officer; a general counsel, who shall be an attorney
358 in active Florida practice and so engaged at the time of
359 appointment; and such other personnel as may be necessary from
360 time to time; provided, its personnel shall not be under civil
361 service regulations, shall be employed to serve at its pleasure,
362 and with the exception of its secretary, shall not while
363 employed by it serve as a member of the board;

364 (15) To exercise all powers incidental to the effective
365 and expedient exercises of the foregoing powers to the extent
366 not in conflict herewith or inconsistent herewith; and

367 (16) To establish development and taxing subdistricts
368 within the downtown area for sectional development in accordance
369 with the comprehensive plan; taxes acquired from said
370 subdistricts to be utilized solely within the subdistrict area,
371 said area not to be less than one (1) city block in size;
372 provided, however, that no subdistrict shall be established nor
373 any tax imposed without the written approval of the freeholders
374 located therein. No limitation shall be placed on the amount of
375 the taxes imposed under this subsection, said taxes to be levied
376 only on the real property within the subdistrict area.

377 Section 9. Levy of ad valorem tax.--For the fiscal year of



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378 the board beginning with the calendar year 1971, and for each
379 fiscal year thereafter, an ad valorem tax in addition to all
380 other ad valorem taxes may be levied annually by the city
381 commission upon request of the board for the purposes of
382 financing the operation of the board on all property in the
383 downtown area that is subject to ad valorem taxation for city
384 operating expenses. The tax base shall be the assessed valuation
385 made annually by the appropriate tax assessor. The rate shall
386 not exceed one (1) mill on each dollar of tax base in 1971 and
387 each year thereafter. The city tax collector shall collect the
388 tax when and in the same manner in which he or she collects the
389 city ad valorem taxes, with the same discounts for early
390 payment, and shall pay the proceeds into the city treasury for
391 the account of the board. For the purpose of this legislation,
392 the downtown area shall constitute a special taxing district to
393 be administered as such.

394 Section 10. Board records and fiscal management.--The
395 fiscal year of the board shall coincide with that of the city.

396 (1) All funds of the board shall be received, held, and
397 secured like other public funds by the appropriate fiscal
398 officers of the city. The funds of the board shall be maintained
399 under a separate account, shall be used for purposes herein
400 authorized, and shall be disbursed only by direction of or with
401 the approval of the board pursuant to requisitions signed by the
402 director or other designated chief fiscal officer of the board
403 and countersigned by at least one (1) other person who shall be
404 a member of the board.

405 (2) The board bylaws shall provide for maintenance of
406 minutes and other official records of its proceedings and



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407 actions, for preparation and adoption of an annual budget for
408 each ensuing fiscal year, for internal supervision and control
409 of its accounts, which function the appropriate city fiscal
410 officers may perform at its request, and for an external audit
411 at least annually by an independent certified accountant who has
412 no personal interest, direct or indirect, in its fiscal affairs.
413 A copy of the external audit shall be filed with the city clerk
414 within ninety (90) days after the end of each fiscal year. The
415 bylaws shall specify the means by which each of these functions
416 is to be performed, and, as to those functions assigned to board
417 personnel, the manner and schedule of performance.

418 (3) No member or employee of the board shall participate
419 by vote or otherwise on behalf of the board in any matter in
420 which he or she has a direct financial interest or an indirect
421 financial interest other than of the benefits to be derived
422 generally from the development of the downtown area.
423 Participation with knowledge of such interest shall constitute
424 malfeasance and shall result, as regards a member, in automatic
425 forfeiture of office, or as regards an employee, in prompt
426 dismissal.

427 Section 11. Provisions governing issuance of
428 certificate.--Issuance of revenue certificates by the board
429 shall be governed by the following general provisions:

430 (1) Revenue certificates for purposes thereof are limited
431 to obligations that are secured solely by pledge of revenues
432 produced by the facility or facilities for the benefit of which
433 the certificates are issued and the sale proceeds used, that do
434 not constitute a lien or encumbrance legal or equitable, on any
435 real property of the board or on any of its personal property



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436 other than the revenues pledged to secure payment of the
437 certificates.

438 (2) The faith and credit of the city shall not be pledged
439 and the city shall not be obligated directly or indirectly to
440 make any payments on or appropriate any funds for certificates
441 issued by the board.

442 (3) The rate or rates of interest and the sale price of
443 the certificates by the board shall be such that the true
444 interest cost to it on the proceeds received from the sale shall
445 not exceed the rate authorized by law for the city.

446 (4) Before issuing any revenue certificates the board
447 shall as to each issue:

448 (a) Prepare or procure from a reputable source detailed
449 estimates of the total cost of the undertaking for which the
450 certificates are contemplated and of the annual revenues to be
451 obtained therefrom and pledged as security for payment of the
452 certificates;

453 (b) Determine that the anticipated net proceeds from the
454 sale, together with any other funds available and intended for
455 the purposes of the issue, will be sufficient to cover all costs
456 of the undertaking and of preparing and marketing the issues or
457 connected therewith;

458 (c) Determine that the annual revenues anticipated from
459 the undertaking will be sufficient to pay the estimated cost of
460 maintaining, repairing, operating, and replacing, to any
461 necessary extent, not only the undertaking but also the punctual
462 payment of the principal of, and interest on, the contemplated
463 certificates; and

464 (d) Specify these determinations in and include the



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465 supporting estimates as parts of the resolution providing for
466 the issue.

467 (5) The board may, as to any issue of revenue
468 certificates, engage the services of a corporate trustee for the
469 issue and may treat any or all costs of carrying out the trust
470 agreement as part of the operating costs of the undertaking for
471 which the certificates are issued.

472 (6) The board shall from time to time establish such
473 rentals, rates, and charges, or shall by agreement maintain such
474 control thereof, as to meet punctually all payments on the
475 undertaking and its maintenance and repair, including reserves
476 therefor and for depreciation and replacement.

477 (7) Revenue certificates may be issued for the purposes of
478 funding, refunding, or both.

479 (8) All revenue certificates issued pursuant hereto shall
480 be negotiable instruments for all purposes.

481 Section 12. Transfer upon cessation of the board.--Should
482 the board cease to exist or to operate for whatever reason, all
483 property of whatever kind shall forthwith become property of the
484 city, subject to the outstanding obligations of the board
485 incurred in conformity with all of the foregoing provisions, and
486 the city shall use this property to maximum extent then
487 practicable for effectuating the purposes hereof and shall
488 succeed to and exercise only such powers of the board as shall
489 be necessary to meet outstanding obligations of the board and
490 effect an orderly cessation of its powers and functions.

491 Section 13. Freeholder's referendum.--No powers shall be
492 exercised by the board, nor shall any special taxing district be
493 established, until such time as the freeholders not wholly



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494 exempt in the downtown area approve of this act in accordance
495 with the referendum provisions provided herein below:

496 (1) Election supervisor.--For the purpose of this
497 referendum, the city clerk shall act as elections supervisor and
498 do all things necessary to carry out the provisions of this
499 section.

500 (2) Registration.--Within forty-five (45) days from the
501 date the city adopts the ordinance defining the downtown area,
502 the clerk shall compile a list of the names and last known
503 addresses of the freeholders in the downtown area from the tax
504 assessment roll of the City of Tallahassee applicable as of the
505 thirty-first day of December in the year immediately preceding
506 the year in which the aforesaid ordinance was adopted and the
507 same shall constitute the registration list for the purposes of
508 the freeholders' referendum hereunder, except as hereinafter
509 provided.

510 (3) Notification.--Within the time period specified in
511 subsection (2) above, the clerk shall notify each freeholder of
512 the general provisions of this act, including the taxing
513 authority and powers of eminent domain, the dates of the
514 upcoming referendum, and the method provided for additional
515 registration should the status of the freeholder have changed
516 since the compilation of the tax rolls. Notification hereunder
517 shall be by U.S. mail and in addition thereto by publication one
518 time in a newspaper of general circulation in Leon County,
519 Florida, within the time period provided in subsection (2)
520 above.

521 (4) Additional registration.--Any freeholder whose name
522 does not appear on the tax rolls may register with the city at



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523 the City Hall, Tallahassee, Florida, or by mail in accordance
524 with regulations promulgated by the clerk. The registration
525 lists shall remain open until seventy-five (75) days after the
526 passage of the ordinance defining the downtown area by the city
527 council.

528 (5) Voting.--Within fifteen (15) days after the closing of
529 the registration list, the clerk shall send a ballot to each
530 registered freeholder at his or her last known mailing address
531 by registered U.S. mail. Said ballot shall include a description
532 of the general provisions of this act, the assessed value of the
533 freeholders' property, and the percent of his or her interest
534 therein. Ballots shall be returned to the city clerk by U.S.
535 mail or personal delivery at City Hall. All ballots received by
536 the clerk within one-hundred-twenty (120) days after the passage
537 of the ordinance defining the downtown area shall be tabulated
538 by the clerk, who shall certify the results thereof to the city
539 council no later than five (5) days after said one-hundred-
540 twenty (120) day period. Any person voting on behalf of himself
541 or herself or any corporation, trust, partnership, or estate,
542 who has knowledge that he or she is not a freeholder as defined
543 by this act, shall be guilty of perjury and shall be prosecuted
544 and upon conviction, punished in accordance with the provisions
545 of the laws of this state.

546 (6) Passage of the act.--The freeholders shall be deemed
547 to have approved of the provisions of this act at such time as
548 the clerk certifies to the city commission that approval has
549 been given by the freeholders representing in excess of fifty
550 (50%) percent of the assessed value of the property within the
551 downtown area.



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552 (7) For the purpose of this act, each vote shall be
553 weighed according to the assessed valuation of property owned by
554 each individual, estate, trust, partnership, or corporation.
555 Joint and several owners of property shall each be allowed to
556 cast one (1) ballot, but each shall be marked with the
557 percentage of their interest therein and said ballots shall not
558 be tabulated in excess of the total assessed value of the
559 jointly held property.

560 (8) Should the freeholders fail to approve of the
561 provisions of this act as provided herein, the city may call one
562 (1) additional referendum by resolution of the city commission
563 at any time after one (1) year from the certification of the
564 results of the previous referendum by the clerk. The additional
565 referendum shall be held in accordance with the provisions of
566 this section, save and except that all time periods will be
567 computed from the date of the resolution calling for the
568 referendum and not from the passage of the ordinance defining
569 the downtown area. Should the freeholders fail to initially
570 approve this act as provided herein after two (2) such
571 referenda, all provisions of this act shall be null and void,
572 and this act shall be repealed.

573 (9) Additional freeholders' elections called after
574 increasing or decreasing the boundaries of the downtown area in
575 accordance with section 4 of this act, shall be held in
576 accordance with the referendum provisions for initial approval
577 of this act; provided, however, that no provision of this act
578 shall require the approval of freeholders in an area which has
579 previously been approved of the provisions of this act by any
580 referendum held hereunder.



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581 (10) A repeal of referendum may be called by petition of
 582 freeholders representing at least twenty (20%) percent of the
 583 assessed value of the property in the downtown area, for the
 584 purpose of abolishing the board and repealing this act. Upon
 585 receipt of such a petition for a repeal referendum by the city
 586 clerk, a freeholders' referendum election shall be called by the
 587 city. The procedure shall be the same as provided for the
 588 initial approval of this act, except that additional repeal
 589 referenda may be petitioned at any time after one (1) year from
 590 the certification of the results of a previous repeal referendum
 591 by the clerk. The proposition shall be put on a ballot
 592 permitting a vote for repeal of the Tallahassee downtown
 593 development board or against repeal. A vote for repeal of the
 594 board by the freeholders representing more than fifty (50%)
 595 percent of the assessed value of the property of the freeholders
 596 voting in the repeal referendum, shall cause immediate cessation
 597 of the Tallahassee downtown development board and shall
 598 constitute repeal of this act.

599 Section 14. City and county authority.--The city and Leon
 600 County are hereby authorized to furnish personnel, services, and
 601 material to the board without reimbursement therefore, to
 602 specifically include the services of the Tallahassee-Leon County
 603 planning department and the city attorney.

604 Section 15. Liberal construction and severability.--The
 605 provisions of this act, being desirable for the welfare of the
 606 city and its inhabitants, shall be liberally construed to
 607 effectuate the purposes herein set forth.

608 Section 4. Chapters 71-935 and 91-394, Laws of Florida,
 609 are repealed.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



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Section 5. This act shall take effect upon becoming a law.