

ORDINANCE 2018-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE A NONBINDING REFERENDUM ON THE NOVEMBER 6, 2018, GENERAL ELECTION BALLOT; PROVIDING BALLOT LANGUAGE THAT ASKS THE VOTERS IN A NONBINDING REFERENDUM WHETHER THEY AGREE WITH THE BOARD'S ACTION OF JUNE 21, 2018, WHEN IT RESOLVED TO PROHIBIT NEW PRIVATE LEASEHOLDS ON CERTAIN AREAS OF SANTA ROSA ISLAND, TO TAKE NO POSITION ON FEE SIMPLE OWNERSHIP ON SANTA ROSA ISLAND, AND TO REQUIRE UNANIMOUS VOTE OF THE BOARD TO CHANGE THIS POLICY; REQUIRING ADVERTISEMENT OF THE REFERENDUM IN ACCORDANCE WITH LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 101.161(1), Fla. Stat. (2017), the Board of County Commissioners may direct the Supervisor of Elections to place a referendum on a ballot by enabling ordinance; and

WHEREAS, the Board finds there has been great public interest in the preservation of historically undeveloped lands on Santa Rosa Island within Escambia County; and

WHEREAS, on June 21, 2018, the Board of County Commissioners adopted Resolution 2018-69 in which the Board resolved to take no position on fee simple ownership of leasehold properties on Santa Rosa Island, to prohibit new private leaseholds on previously undeveloped areas of Santa Rosa Island and to require a unanimous vote of the Board to overturn these positions; and

WHEREAS, on June 21, 2018, the Board voted to hold a nonbinding referendum of the voters of Escambia County to determine the extent to which they agree or disagree with this policy; and

WHEREAS, holding a nonbinding referendum on this matter of great public importance will allow the Board to ensure its policy is consistent with the will of the electorate of Escambia County.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA THAT:

Section 1. Recitals. The aforementioned recitals are hereby incorporated into this ordinance as a statement of the legislative intent of the Board of County Commissioners in enacting this ordinance.

Section 2. Escambia County Resolution. On June 21, 2018, the Board of County Commissioners adopted Resolution 2018-69 that set forth the Board's policy to prohibit new private leaseholds on certain areas of Santa Rosa Island, to take no position on fee simple ownership on Santa Rosa Island and to require a unanimous vote of the Board to change these positions. A copy of Resolution 2018-69 can be seen on the websites of the Board of County Commissioners (<https://www.myescambia.com>) and the Clerk of Court (<http://www.escambiacerk.com/clerk/index.aspx>) and is attached and incorporated with this Ordinance as Exhibit A.

Section 3. Holding Election. The Supervisor of Elections of Escambia County is hereby directed to hold a referendum election required by this Ordinance on November 6, 2018.

Section 4. Nonbinding Referendum. This referendum shall serve as a nonbinding referendum and shall so state on the face of the ballot. *Gretna Racing, LLC v. Department of Business and Professional Regulation*, 178 So. 3d 15, 29 (Fla. 1st DCA 2015), *City of Miami v. Staats*, 919 So. 2d 485 (Fla. 3d DCA 2005).

Section 5. Ballot Question. The Supervisor of Elections of Escambia County shall cause the following referendum question to be placed on the November 6, 2018, General Election ballot as required by this Ordinance:

NONBINDING REFERENDUM ON ESCAMBIA COUNTY
POLICY FOR PRESERVATION OF SANTA ROSA ISLAND

ON JUNE 21, 2018, THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED A POLICY TO PROHIBIT ANY PRIVATIZATION THROUGH SALE OR LEASE OF CURRENTLY UNLEASED PROPERTIES, ESPECIALLY CONSERVATION AND PRESERVATION PROPERTIES ON SANTA ROSA ISLAND. ESCAMBIA COUNTY REAFFIRMS THE CONGRESSIONAL RESTRICTIONS OF THE 1947 DEED. DO YOU SUPPORT THESE ESCAMBIA COUNTY POLICIES?

_____ YES
_____ NO

Section 6. Advertisement. The Board of County Commissioners shall ensure that notice of the referendum required by this Ordinance shall be advertised in accordance with the provisions of section 100.342, Fla. Stat. (2017), or other applicable law.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. This ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

BY: _____
Jeff Bergosh, Chairman

ATTEST: PAM CHILDERS
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

(SEAL)

ENACTED: _____

FILED WITH DEPARTMENT OF STATE: _____

EFFECTIVE: _____

6/21/2018 CAT II-2

RESOLUTION NUMBER R2018-69

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, TO PRESERVE AND PROTECT THE CHARACTER OF EXISTING PUBLIC AREAS ON SANTA ROSA ISLAND; PRECLUDING THE CREATION AND CONVEYANCE OF NEW PRIVATE LEASEHOLDS; PROVIDING ENHANCED PROTECTIONS FOR BEACH AREAS; PROVIDING A STATEMENT OF POLICY TO GUIDE FUTURE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND SANTA ROSA ISLAND AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Escambia County is the owner of approximately 4800 acres on Santa Rosa Island, more particularly described in the Deed of Conveyance from the United States of America recorded in Deed Book 248 at page 161 of the public records of Escambia County, Florida; and

WHEREAS, pursuant to the terms of the Deed of Conveyance, in relevant part, the "land shall be retained by the said Escambia County and be used by it for such purposes as it shall deem to be in the public interest or be leased by it from time to time in whole or in part or parts to such persons and for such purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always to be subject to regulation by said County whether leased or not leased but never to be otherwise disposed of or conveyed by it"; and

WHEREAS, pursuant to Chapter 24500, Laws of Florida (1947), as amended, the Santa Rosa Island Authority (SRIA) has created and conveyed private leaseholds and administered development on Santa Rosa Island on behalf of Escambia County; and

WHEREAS, no new private leaseholds have been recently created and conveyed by the SRIA, and none are contemplated in the future; and

WHEREAS, the Board of County Commissioners wishes to preserve and protect the public character of all areas not previously created and conveyed by private leasehold and certain other areas upon expiration or termination of existing private leaseholds; and

WHEREAS, the Board of County Commissioners wishes to provide enhanced protections for areas currently located in Preservation (PR-PB) and Conservation/Recreation (CON/REC-PB) zoning districts, as well as those lying south of the 1975 Coastal Construction Setback Line (all land between the 1975 Coastal Construction Setback line and the Gulf of Mexico more commonly known as "the Beach"); and

WHEREAS, the Board of County Commissioners currently has no official position on the issue of fee simple ownership on Pensacola Beach.

WHEREAS, the Board of County Commissioners wishes to publish a statement of policy to guide future members of its Board and the SRIA.

Date: 6/25/2018 Verified By: [Signature]


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Escambia County, as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. As of the date of this Resolution, no new private leaseholds shall be created and conveyed on any property not previously leased on Santa Rosa Island owned by Escambia County and/or administered by the SRIA. All public areas on Santa Rosa Island as of the date of this Resolution, including beaches, recreation and conservation areas, roads, parking lots, parks, beach access, and other public infrastructure, shall remain public and restricted from any form of private sale, lease or conveyance, with the exception of the SRIA administration building.
3. Upon expiration or termination of existing private leaseholds on Santa Rosa Island, any portions of such leaseholds lying south of the 1975 Coastal Construction Setback Line recorded in Plat Book 9 at page 72 through 72P of the public records of Escambia County, Florida, shall not be subsequently leased or otherwise conveyed, but shall be thereafter preserved and protected as a public recreation or conservation area.
4. The recitals and paragraphs of this Resolution are adopted as the official positions of the Escambia County Board of County Commissioners and these positions can only be overturned or changed by a unanimous vote of the Board of County Commissioners.
5. This Resolution shall take effect upon on its adoption by the Board of County Commissioners.

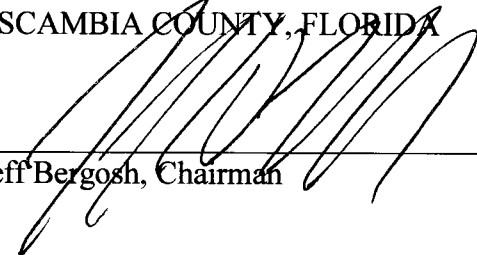
Date Executed

6/21/2018


Pam Childers
Clerk of the Court


Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA


Jeff Bergosh, Chairman

Approved as to form and legal
sufficiency.

By/Title: 
Date: 6/21/18

RCC Approved 06-21-2018

