

1           **AN ORDINANCE AMENDING ARTICLE II, CHAPTER 40**  
2           **OF THE CODE OF THE CITY OF ORLANDO, FLORIDA,**  
3           **ENTITLED “DOWNTOWN SOUTH”, RELATING TO THE**  
4           **DOWNTOWN                 SOUTH                 NEIGHBORHOOD**  
5           **IMPROVEMENT DISTRICT; AMENDING SECTION 40.12**  
6           **ENTITLED “BOUNDARIES AND SIZE OF THE**  
7           **DISTRICT”; AND AMENDING SECTION 5 OF**  
8           **ORDINANCE                 NUMBER                 2011-28,                 ENTITLED**  
9           **“REFERENDUM”; PROVIDING FOR SEVERABILITY,**  
10           **REPEAL OF CONFLICTING ORDINANCES,**  
11           **CODIFICATION, CORRECTION OF SCRIVENER’S**  
12           **ERRORS, AND AN EFFECTIVE DATE.**  
13

14           **WHEREAS**, on July 25, 2011, the Orlando City Council adopted ordinance number  
15 2011-28, amending Chapter 40, Code of the City of Orlando, Florida to create the Downtown  
16 South Neighborhood Improvement District (“DSNID”), in accordance with Chapter 163, Florida  
17 Statutes; and  
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19           **WHEREAS**, ordinance number 2011-28 established the ability for the DSNID to levy an  
20 ad valorem tax on real and personal property by referendum; and  
21

22           **WHEREAS**, on January 27, 2014, the DSNID Advisory Council recommended and the  
23 Orlando City Council approved changes to the boundaries of the DSNID and changes to section  
24 5 of ordinance number 2011-28, which describes the conduct of the referendum; and  
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26           **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**  
27 **CITY OF ORLANDO, FLORIDA:**  
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29           **SECTION 1. ARTICLE II, CHAPTER 40, AMENDED.** Article, II, Chapter 40,  
30 Code of the City of Orlando, Florida is hereby amended as follows:  
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32 \*\*\*\*\*  
33

34 **Sec. 40.12 Boundaries and size of the district.**  
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36           The jurisdictional boundaries of the district are hereby established as depicted in Figure  
37 40.12-1. The district boundaries contain approximately ~~717~~ 523 acres.  
38

39 [Drafter’s note to the editor: Please insert Figure 40.12-1, attached to this ordinance as “Exhibit  
40 ‘A’,” here.]  
41

42 \*\*\*\*\*  
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44           **SECTION 2. SECTION 5 OF ORDINANCE 2011-28** is hereby amended as follows:  
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**SECTION 5. REFERENDUM.** The exercise by the district of the power to levy an ad valorem tax on real and personal property of up to two mills annually is hereby conditioned on approval by referendum as described in this section.

(1) Within 415 days following the date the Orlando City Council adopts a resolution calling for a referendum pursuant to this section, the city clerk shall certify the resolution and compile a list of the names and last known addresses of the freeholders in the Downtown South Neighborhood Improvement District from the tax assessment roll of Orange County as of December 31 in the year preceding the year in which the resolution was adopted. Except as otherwise provided in this section, the list shall constitute the registration list for the purposes of the freeholders' referendum required under this section.

(2) Within 415 days after compilation of the freeholders' registration list pursuant to subsection (1), the city clerk shall notify each such freeholder of the general provisions of this section, including the taxing authority and the date of the upcoming referendum, and the method provided for submitting corrections to the registration list if the status of the freeholder has changed since the compilation of the tax rolls. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in City of Orlando.

(3) Any freeholder whose name does not appear on the tax rolls compiled pursuant to subsection (1) may register to vote with the city clerk. The registration list shall remain open for 755 days after enactment of the resolution calling for the referendum.

(4) Within 15 days after the closing of the registration list, the city clerk shall send a ballot to each registered freeholder at his or her last known mailing address by first-class United States mail. The ballot shall include:

a. A description of the general provisions of the Orlando Neighborhood Improvement District Code, including Article II of said Code, and this section;

b. The assessed value of the freeholder's property;

c. The percent of the freeholder's interest in such property; and

d. Immediately following the information, the following:

"Do you favor authorizing the Downtown South Neighborhood Improvement District to levy up to 2 mills of ad valorem taxes ~~by such proposed district for no more than 15 years?~~

....Yes, for authorizing the levy of up to 2 mills of ad valorem taxes by the district: for no more than 15 years.

....No, against authorizing the levy of up to 2 mills of ad valorem taxes by the district: for no more than 15 years."

(5) Ballots shall be returned by United States mail or by personal delivery.

(6) All ballots received within 12085 days after adoption of the resolution shall be tabulated by the city clerk, who shall certify the results thereof to the Orlando City Council no later than 5 days after the 12085-day period.

(7) The freeholders shall be deemed to have approved the authority to levy an ad valorem tax on real and personal property of up to two mills annually for no more than 15 years at such time as the city clerk certifies to the Orlando City Council that approval has been given by freeholders representing in excess of 50 percent of the assessed value of the property within the district. properties represented by ballots cast. Ballots cast by freeholders exempt from ad valorem taxes shall be counted if the freeholder agrees by contract to make an annual payment to the district equal to the amount of ad valorem taxes that it would pay to the district if not wholly tax exempt. Such contract must be dated as of the closing of the registration list and must obligate the exempt freeholder to such payments for a period of time equal to the term of years for which the tax is authorized.

(8) The city clerk shall enclose with each ballot sent pursuant to this paragraph two envelopes: a secrecy envelope, into which the freeholder shall enclose the marked ballot; and a mailing envelope, into which the freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk. The back side of the mailing envelope shall bear a certificate in substantially the following form:

NOTE: PLEASE READ INSTRUCTIONS CAREFULLY  
BEFORE MARKING BALLOT AND COMPLETING VOTER'S  
CERTIFICATE.

VOTER'S CERTIFICATE

I, ..., am a duly qualified and registered freeholder of the  
Downtown South Neighborhood Improvement District; and I am  
entitled to vote this ballot. I do solemnly swear or affirm that I  
have not and will not vote more than one ballot in this election. I  
understand that failure to sign this certificate and have my  
signature witnessed will invalidate my ballot.

...(Voter's Signature)

NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE  
WITNESS 18 YEARS OF AGE OR OLDER AS PROVIDED IN  
THE INSTRUCTION SHEET.

I swear or affirm that the ~~elector~~ freeholder signed this voter's  
certificate in my presence.

...(Signature of Witness)...

...(Address).....(City/State)...

The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the freeholder and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the freeholder or witness must cross the seal of the envelope. The freeholder and the attesting witness shall execute the certificate on the envelope.

10. The city clerk shall enclose with each ballot sent to a freeholder pursuant to this section separate printed instructions in substantially the following form:

**READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.**

a. VERY IMPORTANT. In order to ensure that your ballot will be counted, it should be completed and returned as soon as possible so that it can reach the city clerk no later than 7 p.m. on the (final day of the ~~120~~85-day period given here).

b. Mark your ballot in secret as instructed on the ballot.

c. Place your marked ballot in the enclosed secrecy envelope.

d. Insert the secrecy envelope into the enclosed mailing envelope, which is addressed to the city clerk.

e. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

f. VERY IMPORTANT. Sign your name on the line provided for "(Voter's Signature)."

g. VERY IMPORTANT. In order for your ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the voter's certificate.

h. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

**SECTION 3. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 4. REPEAL.** All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

**SECTION 5. CODIFICATION.** The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 6. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

**SECTION 7. EFFECTIVE DATE.** This ordinance takes effect immediately upon final passage.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BY THE MAYOR/MAYOR PRO TEMPORE OF  
THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Attorney

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