

Bond Case Briefs

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BALLOT INITIATIVE - FLORIDA

Let Miami Beach Decide v. City of Miami Beach

District Court of Appeal of Florida, Third District - September 20, 2013 - So.3d - 2013 WL 5289012

City brought declaratory judgment action against political committee, as the main proponent and sponsor of initiative petition, seeking a declaration that two questions being put to the voters with regard to a convention center project were in accordance with the provisions of the city charter and general laws of the state.

Committee counterclaimed, seeking a declaration that lease approval question had been improperly placed on special election ballot. The circuit court allowed master developer to intervene, and entered judgment in favor of city and developer, and dismissed committee's counterclaims for declaratory and injunctive relief for lack of standing. Committee appealed.

The District Court of Appeal held that:

- City waived issue of whether political committee had standing to raise counterclaims;
- Master developer was precluded from challenging committee's standing;
- Voters were required to be provided with, and allowed to approve, material terms of lease pursuant to city charter provision;
- City charter provision was not intended to control the sequence of steps involved in approving lease agreement;
- Lease approval question as posed on ballot summary was insufficient to provide the voters with the information needed to intelligently cast their ballots to approve or disapprove the lease of certain property in the vicinity of convention center; and
- Ballot question violated the statutory requirement of clarity and accuracy, and had to be removed from ballot.

Voters who were empowered by city charter to approve the lease of certain property were entitled to receive the same essential information a commissioner would need to decide whether to approve such a lease. While charter provision did not require that voters be presented with every single term or provision of lease, they were required to be provided with, and allowed to approve, the material terms of the lease pursuant to the charter provision.

Lease approval question as posed on ballot summary was insufficient to provide the voters with the information needed to intelligently cast their ballots to approve or disapprove the lease of certain property. Lease approval question lacked material terms, including the amount of rent to be paid, square footage and exact location of the property to be conveyed to developer, height of any air rights to be transferred, and a statement of other additional consideration being given by the parties.