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Via Email

Pensacola Beach Tax Litigation
Liaison Committee

Re: Pensacola Beach Tax Case

Dear Liaison Committee:

In accordance with the decision of the majority of the Committee on Friday, I will be filing a motion in the Florida Supreme Court for clarification of the March 20, 2014 ruling. Under court rules, such a motion must be filed no later than Friday, April 4, 2014.

Filing such a motion will suspend the finality of the March 20 ruling until the Court rules on our motion. Once we have filed it, the opposing attorneys will have 10 days within which to file a response.

The focus of the motion will be the fact that the Court has indicated some of your leases provide for perpetual renewals, but has given no guidance as to which leases are in that category. Since we still have cases pending relating to taxation of the land on Pensacola Beach (2011 and 2012), this needs to be clarified.

While the odds may be against us in obtaining the clarification, the Liaison Committee and our firm believe the potential benefit justifies this effort.

Once the Court rules on this motion, all of our clients will be required to pay all of the unpaid taxes on improvements (plus 12% simple interest) for years 2004-2012 within 30 days of the ruling, failing which, interest on all unpaid balances will increase to 18% per annum. We anticipate that a ruling on this motion would come within the next 6-8 weeks, but cannot predict the timing with any certainty.

Very truly yours,

Shell, Fleming, Davis & Menge


Danny L. Kepner

DLK/jer

Attachment-March 20, 2014 Supreme Court Ruling