

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE IV, POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL; AMENDING SECTION 4.1, CITIZEN INITIATIVE; AMENDING ARTICLE V, HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE; AMENDING SECTION 5.2, HOME RULE CHARTER AMENDMENTS; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 2, 2010; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FURTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article IV, Section 4.1 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 4.1. Citizen initiative.

(1) **Right to Initiate.** The electors of Leon County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida Constitution, general law or this Charter, upon petition signed by ~~at least~~ not less than ten ~~seven~~ percent (~~10%~~) (7%) of the total number of electors qualified to vote in the County reflecting ~~not less than ten~~ five percent (~~10%~~) (5%) of the total number of electors qualified to vote within each of the five (5) commission districts. The total number of electors qualified shall mean the total number of electors qualified to vote in the last preceding general election.

1 **(2) Procedure for Petition.** The sponsor of an initiative shall, prior to obtaining any
2 signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the
3 proposed ballot summary and the form on which signatures will be affixed and obtain a dated
4 receipt therefore. Any such ordinances shall embrace but one (1) subject and matter directly
5 connected therewith. The sponsor shall cause a notice of such submission to be published within
6 fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable
7 period for obtaining signatures on the petition shall be completed not later than one (1) year after
8 initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all
9 requirements of general law for political committees, and shall file quarterly reports with the
10 Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of
11 signatures procured. The time and form of such reports may be prescribed by ordinance. When a
12 sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated
13 forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general
14 law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures,
15 verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if
16 the petition is rejected for insufficiency of the number of valid signatures. If the petition is
17 rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty
18 (30) days within which to submit additional signatures for verification. The Supervisor of
19 Elections shall, within thirty (30) days of submission of additional signatures, verify the
20 additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of
21 Elections shall declare the petition null and void and none of the signatures may be carried over
22 onto another identical or similar petition.

1 **(3) Consideration by Board of County Commissioners.** Within sixty (60) days
2 after the requisite number of signatures has been verified by the Supervisor of Elections and
3 reported to the Board of County Commissioners, the Board of County Commissioners shall give
4 notice and hold public hearing(s) as required by general law on the proposed ordinance and vote
5 on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum
6 on the question of the adoption of the proposed ordinance to be held at the next general election
7 occurring at least forty-five (45) days after the adoption of such resolution. If the question of the
8 adoption of the proposed ordinance is approved by a majority of those registered electors voting
9 on the question, the proposed ordinance shall be declared, by resolution of the Board of County
10 Commissioners, to be enacted and shall become effective on the date specified in the ordinance,
11 or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners
12 shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general
13 election, without the approval of a majority of the electors voting at a referendum called for that
14 purpose.

15 **(4) Limitation on Ordinances by Initiative.** The power to enact, amend or repeal
16 an ordinance by initiative shall not include ordinances or provisions related to County budget,
17 debt obligations, capital improvement programs, salaries of County officers and employees, the
18 assessment or collection of taxes, or the zoning of land.

19 **Section 2.** Article V, Section 5.2 of the Home Rule Charter of Leon County, Florida,
20 is hereby amended to read as follows:

21 **Sec. 5.2. Home rule charter amendments.**

22 **(1) Amendments Proposed by Petition.**

1 (A) The electors of Leon County shall have the right to amend this Home Rule
2 Charter ~~in accordance with Sec. 4.1 of this Charter.~~ upon petition signed by not less than seven
3 percent (7%) of the total number of electors qualified to vote in the County reflecting not less
4 than five percent (5%) of the total number of electors qualified to vote within each of the five (5)
5 commission districts. The total number of electors qualified shall mean the total number of
6 electors qualified to vote in the last preceding general election. The procedures prescribed in
7 subsection 4.1(2) of the Charter shall apply to petitions to amend the Charter that are proposed
8 by citizen initiative.

9 (B) Each proposed amendment shall embrace but one (1) subject and matter directly
10 connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot
11 by resolution of the Board of County Commissioners for the general election occurring in excess
12 of ninety (90) days from the certification by the Supervisor of Elections that the requisite number
13 of signatures has been verified. If approved by a majority of those electors voting on the
14 amendment at the general election, the amendment shall become effective on the date specified
15 in the amendment, or, if not so specified, on January 1 of the succeeding year.

16 (C) The power to amend this Charter by initiative shall not extend to provisions
17 related to the County budget, debt obligations, capital improvement programs, salaries of County
18 officers and employees, the assessment or collection of taxes or fees, the zoning of land, or
19 matters inconsistent with the Constitution or general laws of Florida.

20 (2) **Amendments and Revisions by Citizen Charter Review Committee.**

21 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
22 Commissioners at least twelve (12) months before the general election occurring every eight (8)
23 years thereafter, to be composed and organized in a manner to be determined by the Board of

1 County Commissioners, to review the Home Rule Charter and propose any amendments or
2 revisions which may be advisable for placement on the general election ballot. Public hearings
3 shall be conducted as provided by Section 125.63, Florida Statutes.

4 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
5 Review Committee shall deliver to the Board of County Commissioners the proposed
6 amendments or revisions, if any, to the Home Rule Charter, and the Board of County
7 Commissioners shall consider such amendments or revisions to be placed on the general election
8 ballot, in accordance with Section 125.64, Florida Statutes.

9 (C) If the Citizen Charter Review Committee does not submit any proposed Charter
10 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to
11 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

12 **(3) Amendments Proposed by the Board of County Commissioners.**

13 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted
14 by the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the
15 membership of the Board. Each proposed amendment shall embrace but one (1) subject and
16 matter directly connected therewith. Each proposed amendment shall only become effective
17 upon approval by a majority of the electors of Leon County voting in a referendum at the next
18 general election. The Board of County Commissioners shall give public notice of such
19 referendum election at least ninety (90) days prior to the general election referendum date.

20 (B) If approved by a majority of those electors voting on the amendment at the
21 general election, the amendment shall become effective on the date specified in the amendment,
22 or, if not so specified, on January 1 of the succeeding year.

23 **Section 3. Ballot Question To Be Presented To Electorate.**

1 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
2 presented to the qualified Leon County electorate by placing the question of whether to adopt
3 same on the ballot at the special election to be held on November 2, 2010.

4 **Section 4. Ballot Question Form.**

5 The question on the ballot shall be substantially in the following form:

6 **PETITION THRESHOLDS AND PROHIBITED SUBJECTS AS PROPOSED**
7 **BY THE CITIZEN CHARTER REVIEW COMMITTEE**

8 Question

9
10
11 Shall the Home Rule Charter of Leon County, Florida be amended to
12 lower the number of signatures required for petitions proposing
13 ordinances or charter amendments from 10% of the electorate
14 countywide, including at least 10% in each single member district, to 7%
15 countywide, including at least 5% within each single member district; to
16 clarify that existing prohibited subjects apply to charter amendments, in
17 addition to ordinances; effective January 1, 2011?

18
19 Yes for Approval _____

20
21 No for Rejection _____

22
23 **Section 5. Further Authorization.**

24 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
25 resolutions and take all actions necessary in order for this Charter amendment referendum to be
26 properly placed on the ballot for the special election of November 2, 2010. Said referendum
27 shall be conducted according to the requirements of law governing referendum elections in the
28 State of Florida.

29 **Section 6. Severability.**

30 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
31 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a

1 separate and independent provision and such holding shall not affect the validity of the
2 remaining portions thereof.

3 **Section 7. Effective Date.**

4 This ordinance shall have effect upon becoming law, but shall be of no further force or
5 effect if the proposed Charter amendments are not duly approved at the November 2, 2010,
6 special election. The amendments to the Home Rule Charter of Leon County, Florida, as
7 proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is
8 approved by a "yes" vote by a majority of those duly qualified electors voting on the question
9 posed at the November 2, 2010, referendum.

10 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
11 County, Florida, this _____ day of _____, 2010.

12 LEON COUNTY, FLORIDA

13
14
15
16 By: _____
17 Bob Rackleff, Chairman
18 Board of County Commissioners
19

20 ATTESTED BY:
21 BOB INZER, CLERK OF THE COURT
22 LEON COUNTY, FLORIDA
23

24
25 By: _____
26 Clerk
27

28 APPROVED AS TO FORM:
29 COUNTY ATTORNEY'S OFFICE
30 LEON COUNTY, FLORIDA
31

32
33 By: _____
34 Herbert W. A. Thiele, Esq.
35 County Attorney