

ARTICLE VI. INITIATIVE; REFERENDUM; RECALL

Section 6.01. Initiative.

The voters of the city shall have power to propose ordinances to the council, and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such powers shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees.

Section 6.02. Referendum.

The voters of the city shall have power to require a reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, or ordinance relating to appropriation of money, levy of taxes, or appointment or salaries of city officers or employees.

Section 6.03. Recall.

The voters of the city shall have the power to recall or remove from office any elected official or officials of the city, for the reasons and in the manner set forth in the General Laws of the State of Florida.

Section 6.04. Commencement of proceedings.

Any five voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk or other official designated by the council shall at the committee's request issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

Section 6.05. Petitions.

- (a) *Number of signatures.* Initiative or referendum petitions must be signed by voters of the city equal in number to at least ten percent of the total number of voters registered to vote in the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of the circulator.* Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating: That the circulator personally circulated the paper; the number of signatures thereon; that all the signatures were affixed in circulator's presence; that the circulator believes

them to be the genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) *Time for filing referendum petitions.* Completed referendum petitions must be filed within 90 days after the effective date of the ordinance sought to be reconsidered.

Section 6.06. Procedure to filing.

- (a) *Certificate of city clerk; amendment.* Within 20 days after the initiative or referendum petition is filed, the city clerk or other official designated by the council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is insufficient and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specified in section 6.05 hereof. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend with the city clerk or other official designated by the council within two working days after receiving the copy of the city clerk's certificate and files a supplementary petition within ten days after receiving the copy of such certificate. The supplementary petition shall comply with the requirements of subsections (b) and (c) of section 6.05 hereof and within five days after it is filed the city clerk or other official designated by the council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city clerk or other official designated by the council shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council review.* If a petition has been certified insufficient and the petitioner's committee does not file a notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two working days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall within 30 days review and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

Section 6.07. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The council repeals the ordinance, or
- (d) Tabulation of the ballots cast by the voters of the city on the ordinance has been certified and repeal of the ordinance has failed.

Section 6.08. Action on petitions.

- (a) *Action by council.* When an initiative or referendum petition has been determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date

the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

- (b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than 90 days and not later than 150 days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the council a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 6.09. Results of election.

- (a) *Initiative.* If a majority of the voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as an ordinance of the same kind adopted by the council except that it may not be repealed until after the next regular city election. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the voters voting on a referred ordinance vote against the referred ordinance, it shall be considered repealed upon certification of the election results and may not be reenacted in substance until after the next regular city election.

(Ord. No. 6375-99, § 4, 1-21-99/3-9-99)