

ARTICLE XII. INITIATIVE; REFERENDUM; RECALL

Section 1. Power of initiative.

The electors shall have power to propose any ordinance, except an ordinance appropriating money, authorizing the levy of taxes, an ordinance in regard to any development order as defined in Section 163.3164, Florida Statutes, or an ordinance in regard to any local comprehensive plan amendment or map amendment, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least ten (10) percent of the registered voters at the last preceding regular municipal election.

Prior to obtaining signatures for an initiative, the persons initiating the petition shall file with the City Clerk a copy of the form of petition to be used, a list of the person or persons who shall comprise the committee of petitioners, and an address to which notices to the committee shall be sent. For an initiative, the required number of signatures must be collected within ninety (90) days after the form of petition is filed with the City Clerk.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 2. Power of referendum.

The electors shall have the power to reject at the polls any ordinance passed by the Council except an ordinance in regard to any development order as defined in Section 163.3164, Florida Statutes, or an ordinance in regard to any local comprehensive plan amendment or map amendment. Such power being known as the referendum. Within twenty (20) days after the enactment by the Council of any ordinance, other than the type of ordinance herein identified above, a petition signed by qualified electors of the City equal in number to at least ten (10) percent of the registered voters at the last preceding regular municipal election, may be filed with the City Clerk, requesting that any such ordinance be repealed. An adopted ordinance sought to be repealed by means of a referendum pursuant to the provisions of this Section shall be called a "referred ordinance".

Prior to obtaining signatures for a referendum, the persons initiating the petition shall file with the City Clerk a copy of the form of petition to be used, a list of the person or persons who shall comprise the committee of petitioners, and an address to which notices to the committee shall be sent.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 3. Form of petitions; committee of petitioners.

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his or her name in ink, and shall indicate, after his or her name, his or her place of residence by street and number, or other description sufficient to identify the place. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that the circulator, and he or she only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in his or her presence, and that he or she believes them to be the genuine signatures of the persons whose names they purport to be.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 4. Filing, examination and certification of petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Clerk as one instrument. Within twenty (20) days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator, and whether the petition is signed by a sufficient number of qualified electors. The City Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing the examination of the petition, the City Clerk shall certify the result thereof to the Council at its next regular meeting. If the City Clerk certifies that the petition is insufficient, he or she shall set forth in the certificate the particulars in which it is defective, and shall at once notify the committee of the petitioners of his or her findings.

(Ord. No. 1169-96 <sec> 1, 11-20-96)

Section 5. Amendment of petitions.

An initiative or referendum petition may be amended, at any time within ten (10) days after the notification of insufficiency has been sent by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within five (5) days after such an amendment is filed, make examination of the amended petition and if the petition is still insufficient, he or she shall file certification to that effect in his or her office and notify the committee of the petitioners of the findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6. Effect of certification of referendum petition.

When a referendum petition or amended petition as defined in section 5 of this Article has been certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors as hereinafter provided.

Section 7. Consideration of initiative or referendum petition by Council.

Whenever the Council receives a certified initiative or referendum petition from the City Clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read, and provision shall be made for a public hearing upon the proposed ordinance. The Council shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Clerk. A referred ordinance shall be reconsidered by the Council, and its final vote upon such reconsideration shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

Section 8. Submission of proposed or referred ordinances to electors.

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than one year from the date the Council takes its final vote thereon. The Council may, in its discretion, and if no regular election is to be held within such period, provide for a special election.

Section 9. Form of ballot for initiated and referred ordinances.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney or other principal legal advisor of the City. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance.

(Ord. No. 1169-96 <sec> 1, 11-20-96)

Section 10. Results of election.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 11. Recall; petition.

Any or all members of the Council may be removed from office by the electors, by following the procedure for municipal recall as provided by general law.

(Ord. No. 1169-96 <sec> 1, 11-20-96)