

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-45**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING, PURSUANT TO SECTION 8.01 OF THE CITY CHARTER, REVISION OF CITY CHARTER SECTION 7.04 WHICH PROVIDES FOR INITIATIVE OR REFERENDUM PETITIONS, COMMENCEMENT OF PROCEEDINGS, PROCEDURES FOR FILING, SUSPENSION OF EFFECT OF AN ORDINANCE WHICH IS THE OBJECT OF A REFERENDUM PETITION, ACTION ON PETITIONS AND RESULTS OF ELECTION; TO DELETE A SPECIFIC TIMEFRAME IN WHICH TO HOLD AN ELECTION ON A PROPOSED OR REFERRED ORDINANCE; TO REQUIRE THAT EACH PETITION BLANK ADVISE VOTERS THAT THE ELECTION SHALL BE HELD AT THE NEXT REGULAR CITY ELECTION UNLESS THE CITY COMMISSION IN ITS DISCRETION ELECTS TO HOLD A SPECIAL ELECTION; TO REQUIRE THAT EACH PETITION BLANK ADVISE VOTERS OF THE APPROXIMATE COST OF HOLDING A SPECIAL ELECTION; TO REQUIRE THAT A CERTAIN PERCENTAGE OF THE VOTERS IN EACH DISTRICT OF THE CITY SIGN A PETITION IN ORDER TO INITIATE PROCEEDINGS UNDER SAID SECTION; TO PROVIDE A TIME LIMIT FOR GATHERING SIGNATURES AND SUBMITTING INITIATIVE OR REFERENDUM PETITIONS; TO PROVIDE THAT NO PETITION SHALL BE CONSIDERED VALID IF FILED BEYOND THAT TIME PERIOD; TO DELETE SUBSECTION 7.04(d) WHICH PROVIDES FOR SUSPENSION OF EFFECT OF AN ORDINANCE UPON FILING OF A REFERENDUM PETITION CONCERNING THAT ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current City initiative and referendum provisions have contributed to the chaotic situation in the City and should be revised to limit their scope and to add clarity; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes a revision to City Charter Section 7.04 as set forth in Section 2 hereof.

SECTION 2: Section 7.04 of the City Charter is amended to read as follows:
Section 7.04. Commencement of proceedings; petitions; procedure for filing; referendum petitions; suspension of effect of ordinance; action on petitions; results of election.

(a) Commencement of proceedings. Any five (5) qualified voters may commence initiative and referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form; stating their names and addresses and specifying the addresses at 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 petitioner's committee is filed, the City

Clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense. The petition blanks shall advise the voters that the referendum election, if any, shall be held at the next regular City election unless the City Commission elects to hold a special election and of the approximate cost to the City of such special election, if held.

(b) Petitions.

(1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters in each voting district of the City equal in number to at least ten (10) percent of the total number of qualified voters registered to vote in each such voting district of the City at the last general City election.

(2) 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.

(3) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he 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.

(c) Procedure for filing.

(1) Deadline for filing; Certificate of Clerk; amendment. Petitions must be filed with the City Clerk no later than ninety (90) days after commencement of proceedings under Section 7.04(a). No petition filed after that time will be valid.

Within twenty (20) days after the petition is filed (five (5) days for referendum) the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 7.04(b). 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 it with the City Clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplemental petition shall comply with the requirements of subsections (2) and (3) of section 7.04(b), and within five (5) days after it is filed the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition

is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the City Clerk shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) Commission review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

~~(d) Referendum petitions; suspension of effect of ordinance. When a referendum petition is filed with the city clerk the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:~~

- ~~(1) There is a final determination of insufficiency of the petition; or~~
- ~~(2) The petitioners' committee withdraws the petition; or~~
- ~~(3) The commission repeals the ordinance; or~~
- ~~(4) After a vote of the electors of the city on the ordinance has been certified.~~

(e) Action on petitions.

(1) Action by the commission. When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, it shall submit the proposed or referred ordinance to the voters of the City.

(2) Submission to voters. The vote of the City on a proposed or referred ordinance shall be held ~~not less than thirty (30) days and not later than ninety (90) days after 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 commission shall provide for a special election; otherwise, the vote shall be held at the same time as~~ the next regular election, except that the commission may in its discretion provide for a special election at an earlier date. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) 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.

(f) Results of election.

(1) Initiative. If a majority of the qualified electors 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 ordinances of the same kind adopted by the commission. 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. An ordinance created by initiative referendum cannot be repealed except by referendum.

(2) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

SECTION 3: The following measure shall be placed on the ballot for the March 8, 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

BALLOT TITLE:

**NO. 4
CHARTER AMENDMENT**

BALLOT SUBTITLE:

**Revision of Section 7.04 of City Charter Governing
Initiative and Referendum Proceedings**

BALLOT SUMMARY:

Shall Charter Section 7.04, governing initiative and referenda, be revised to change the petition signature requirement from 10 percent of total electors to 10 percent of total electors in each district, specify a 90-day time period for petition submittal, delete suspension of ordinance upon filing a referendum petition, and require petitions to advise voters the election will be held at the next regular election unless a special election is called?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and upon certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

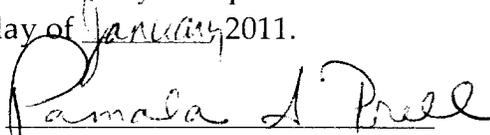
SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.



Michael Finnerty, MAYOR

FIRST READING : 12-13-10
PUBLISHED : 12-26-10
SECOND READING : 1-6-11
PUBLIC HEARING : 1-6-11

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 6th day of January 2011.


Pamala Prell, Acting City Clerk