

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

The City of Pinellas Park, Florida,
The City of Clearwater, Florida,
The City of Largo, Florida,
The City of St. Petersburg, Florida,
The Town of North Redington Beach, Florida,
The City of Oldsmar, Florida,
The City of Belleair Bluffs, Florida,
The City of Tarpon Springs, Florida,
The Town of Indian Shores, Florida,
The City of Safety Harbor, Florida,
The Town of Belleair, Florida,
The Town of Redington Shores, Florida,
The City of Belleair Beach, Florida,
The Town of Belleair Shore, Florida,
The City of Gulfport, Florida
The Town of Kenneth City, Florida,
The Town of St. Pete Beach, Florida,
The City of Seminole, Florida,
The City of Treasure Island, Florida,
The City of South Pasadena, Florida,
The City of Madeira Beach, Florida,
Florida municipal corporations.

Plaintiffs

v.

Case No. _____

Deborah Clark, Supervisor of Elections for Pinellas County, Florida;
Pinellas County Board of County Commissioners;
Pinellas County Charter Review Commission.

Defendants.

_____ /

COMPLAINT

COME NOW, the Plaintiffs, by and through their respective undersigned counsel, who hereby file this complaint for declaratory and injunctive relief against the Defendants, Deborah Clark, Supervisor of Elections for Pinellas County, Florida, Pinellas County Board of County Commissioners, and the Pinellas County Charter Review Commission, and state as follows:

GENERAL ALLEGATIONS

Parties

1. The City of Pinellas Park, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
2. The City of Clearwater, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
3. The City of Largo, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
4. The City of St. Petersburg, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
5. The Town of North Redington Beach, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
6. The City of Oldsmar, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
7. The City of Belleair Bluffs, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
8. The City of Tarpon Springs, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
9. The Town of Indian Shores, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
10. The City of Safety Harbor, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.

11. The Town of Belleair, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
12. The Town of Redington Shores, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
13. The City of Belleair Beach, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
14. The Town of Belleair Shore, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
15. The City of Gulfport, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
16. The Town of Kenneth City, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
17. The Town of St. Pete Beach, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
18. The City of Seminole, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
19. The City of Treasure Island, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
20. The City of South Pasadena, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
21. The City of Madeira Beach, Florida, is a municipal corporation organized and existing under the laws of the State of Florida and is located in Pinellas County, Florida.
22. Defendant, Deborah Clark is the Supervisor of Elections for Pinellas County,

Florida ("Supervisor"), and is charged with the duty of conducting the November 7, 2006, General Election pursuant to Florida law.

23. Defendant, the Pinellas County Charter Review Commission of Pinellas County ("CRC"), is an independent entity established by the Pinellas County Charter to review the operation of the county government and the Pinellas County Charter ("Charter" or "Pinellas County Charter"), and to recommend amendments to the Charter.

24. Defendant, Pinellas County Board of County Commissioners ("BOCC"), is the legislative body of the County of Pinellas, a political subdivision of the State of Florida.

25. All conditions precedent to bringing this suit have been met, pending resolution of the Motion to Dispense with Chapter 164.

Jurisdiction

26. The Court has jurisdiction over this matter pursuant to Chapter 86 and Section 26.012, Florida Statutes.

27. The Plaintiffs also seek to have this Court expedite this matter based on the abbreviated length of time to resolve this matter before the placement of the charter amendments and ballot questions on the ballot itself, as well as the pending election on November 7, 2006.

Venue

28. Venue is proper in Pinellas County, Florida, because the principal headquarters of the Cities, the Supervisor of Elections, the BOCC and the CRC are located in Pinellas County.

2006 Proposed Charter Amendments, Generally

29. The CRC has proposed seven amendments and a special act in its report to the BOCC dated June 30, 2006. The BOCC has accepted the report and the proposals are scheduled to appear on the November 7, 2006, general election ballot.

30. By this action, the Plaintiffs challenge all of the proposed charter amendments and the special act because of violations of Section 286.011, Florida Statutes (“Sunshine Law”), and substantial procedural violations of the Charter.

31. The Plaintiffs also challenge proposed Charter Amendment Nos. 4, 5, 6 and 7 because of violations of Section 101.161, Florida Statutes; Charter Amendments Nos. 4, 5, 6 and 7 for the failure to require a dual vote for passage of the amendments; Charter Amendments Nos. 5, 6 and 7 because it is preempted by Chapter 171, Florida Statutes and the Florida Constitution; and the failure to require a special act of the legislature prior to the voters deciding Charter Amendments Nos. 5, 6 and 7. *See Charter Amendments and ballot questions, attached hereto as “Composite Exhibit A.”*

Home Rule Charter

32. Article VIII of the Florida Constitution determines the scope of the power of local governments, including counties and municipalities.

33. Article VIII, Section 2(b), of the Florida Constitution specifically states, “Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.”

34. The scope of each county’s power depends upon whether the county is a charter or a non-charter county.

35. A charter county “shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.” In a charter county, the charter “shall provide which shall prevail in the event of conflict between county and municipal ordinances.” *See Florida Constitution Article VIII, § 1(g).*

36. Prior to 1980, Pinellas County was a non-charter county.

37. In 1980, Pinellas County electors voted to become a charter county by approving the first charter of Pinellas County.

Charter Review Commission, Generally

38. Pursuant to Article VIII, Section 1(c), of the Florida Constitution, a county charter may be amended only upon vote of the electors of the county in a special election called for that purpose.

39. The Charter provides for the establishment of a Charter Review Commission. *See Pinellas County Charter (2004), Article VI, attached hereto as “Exhibit B.”*

40. The purpose of the Charter Review Commission is to “review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend amendments to this Charter, if any.” *See attached Exhibit B.*

41. The Charter requires the Charter Review Commission to be comprised of thirteen members appointed by the BOCC. The membership is to consist of one individual of the Pinellas County Legislative Delegation residing in Pinellas County; one constitutional officer; one member from elected city officials; one member from the BOCC and nine members from the public at large, none of whom may be an elected official. *See attached Exhibit B.*

42. The Charter requires that a Charter Review Commission reconvene every six (6) years. *See attached Exhibit B.*

Establishment of Reconstituted Charter Review Commission

43. In 2003, pursuant to Section 6.03 of the Charter, members were appointed to serve on a Charter Review Commission which was set to expire that same year.

44. The 2003 Charter Review Commission proposed an amendment to the Charter

which provided for the Charter Review Commission appointed in 2003 to reconvene for a two-year period in order to conduct a thorough review of the Charter and the operations of the Pinellas County Government.

45. This proposed amendment provided for the members of the Charter Review Commission appointed to serve in 2003 to be deemed members of the reconstituted Charter Review Commission (the “CRC”).

46. This proposed amendment contained substantial additional procedural requirements for the CRC which were required to be met in addition to the general procedural requirements contained in Section 6.03 of the Charter. *See attached Exhibit B.*

47. The purpose of these substantial additional procedural requirements for the CRC was to provide the electorate the ability to participate in the thorough review of the Charter and to be able to have input and participate in the recommendations made by the CRC.

48. This proposed amendment was placed on the ballot and was approved by referendum on November 2, 2004.

49. This proposed amendment became Section 6.05 of the Charter. *See attached Exhibit B.*

50. Pursuant to Section 6.05(a) of the Charter, the term of the CRC began on November 8, 2004, and will expire on December 1, 2006.

Procedural Requirements for the CRC

51. Section 6.03 of the Charter establishes the general procedural requirements which must be followed by the CRC to place proposed amendments on the ballot, which include the following:

1. Meetings are held upon the call of the chairman or any three members of the CRC;

2. All meetings must be open to the public; and
3. A majority of the members of the CRC constitute a quorum.

52. Section 6.05 of the Charter contains the additional procedural requirements which must be followed by the current, reconstituted CRC in order for the CRC to place proposed amendments on the ballot, which include the following:

1. “Prior to submitting such recommendations, the reconstituted charter review commission shall hold three public hearings at intervals of not less than ten (10) nor more than twenty (20) days. At the final hearing, the reconstituted charter review commission shall incorporate any recommendations it deems desirable, vote upon a proposed form of revised charter, and forward said charter to the board of county commissioners.”
2. The CRC must submit a report to the BOCC no later than June 30, 2006, which must include any proposed amendments to the Charter together with the wording of the question or questions to be voted on at referendum.

53. Section 6.05 provides that the BOCC must then call a referendum election for the purpose of voting on the proposed amendments. The BOCC does not vote to approve the proposed amendments, but accepts the report containing the proposed amendments and ballot questions and calls an election for the purpose of conducting a referendum upon the amendments. *See attached Exhibit B.*

54. In accordance with Charter Section 6.03, the CRC began holding public meetings when it reconvened in 2004.

55. In addition to the public meetings requirement, the CRC scheduled, advertised and held three public hearings on May 8, 2006, in Clearwater, on May 22, 2006, in Tarpon Springs, and on June 8, 2006, in St. Petersburg pursuant to Charter Section 6.05.

56. Charter Section 6.05 requires, “At the final hearing, the reconstituted charter

review commission shall incorporate any recommendations its deems desirable, vote upon a proposed form of revised charter, and forward said charter to the board of county commissioners.”

57. At the final public hearing on June 8, 2006, the CRC did not vote upon a proposed form of the revised charter as required by Charter Section 6.05.

58. Additionally, at the final public hearing on June 8, 2006, the CRC did not finalize its report to the BOCC which was to contain the proposed amendments with the wording of the ballot questions, but announced that it had completed its three required public hearings and that it would not be receiving general public input at its next meeting on June 19, 2006.

59. At the meeting on June 19, 2006, the CRC announced that it had already completed its required three public hearings, would not be receiving any additional public comment and, in fact, refused to accept any public comment. The CRC proposed, debated, and voted upon revisions to charter amendments and ballot questions without hearing any public comment at the meeting on June 19, 2006.

60. At the meeting on June 19, 2006, the CRC delegated to its chairman, Alan Bomstein (“Bomstein”), the authority to finalize the ballot questions and the report to the BOCC. After the meeting of June 19, 2006, Bomstein altered the ballot language and the final report.

61. The final report containing the proposed charter amendments and ballot questions provided to the BOCC was not language approved by the CRC at the final public hearing of June 8, 2006, in violation of Charter Section 6.05.

62. The BOCC accepted the final report dated June 30, 2006, containing the proposed charter amendments and the ballot questions as revised by Bomstein.

Sunshine Law

63. Florida law requires that all meetings held by a board or commission of a county where official acts are to be taken be meetings open to the public at all times, and no formal action is considered binding unless taken at such a meeting (“Sunshine Law”). *Section 286.011, Florida Statutes*.

64. There must be reasonable notice of the public meetings and minutes of the meetings must be recorded and available for inspection by the public. *Section 286.011, Florida Statutes*.

65. The CRC had previously decided at the February 7, 2005 meeting that a majority plus one, meaning a minimum of eight votes, of commissioners *present* was needed to approve any action and send any recommendation forward to the BOCC.

66. At the CRC’s final meeting on June 19, 2006, two Commissioners, Kwall (“Kwall”) and Coates (“Coates”), were not present in person but “appeared” and voted by telephone, contrary to Section 286.011, Florida Statutes and contrary to the CRC’s procedures.

67. No legally sufficient necessity existed to allow Kwall and Coates to vote telephonically. It was not announced at a public meeting that they would be voting telephonically, and there was no videoconferencing or other method set up by which the public could see, view and interact with Kwall and Coates during such meeting.

68. Kwall had significant difficulties remaining on the conference call during the meeting and on numerous occasions, Kwall and Coates could not hear or be heard by the CRC.

69. The failure of Kwall and Coates to appear in person at the final meeting violated the Sunshine Law and voided their telephonic votes.

70. Pursuant to the CRC’s own rules, the CRC required a ‘majority plus one of those present’ or ‘a minimum of eight affirmative votes’ to approve any proposed charter amendments

to send forward to the BOCC. The vote at the meeting on June 19, 2006 as to Charter Amendment No. 4 was 8 voting “ayes” (with Kwall and Coates voting “aye”) and 4 voting “nays.” The vote as to Charter Amendment No. 5 was 9 voting “ayes” (with Kwall and Coates voting “aye”) and 3 voting “nays.”

71. Therefore, as to Charter Amendments Nos. 4 and 5, the CRC did not have the necessary votes for approval, as Kwall and Coates’ telephonic votes were void.

72. The Commissioners held a lengthy discussion about additional changes in the language to Charter Amendment No. 4, specifically related to the ballot language, as the Commissioners believed the language to be confusing.

73. The CRC determined that Bomstein, as Chairman of the CRC, be delegated the authority to work with the County Attorney's office after the June 19th meeting to revise and change the language of the ballot questions.

74. Accordingly, the CRC approved a motion for Bomstein to be delegated the authority to review and approve the language of the ballot questions.

75. The CRC instructed Bomstein to review and revise the draft report to the BOCC.

76. Upon information and belief, Bomstein communicated with the County Attorney’s Office and Kurt Spitzer, acting as consultant to the CRC, to review and change the language of the proposed referenda and the draft final report without notice to the public, a public meeting or minutes taken of said meeting between June 19th and June 30th, 2006, in violation of the Sunshine Law.

77. Upon information and belief, Spitzer then incorporated the changes approved by Bomstein into the final report to the BOCC without public notice or a public meeting between June 19th and June 30th, 2006.

78. The final report was then submitted to the BOCC on June 30, 2006.

Charter Amendment No. 4 Dual Vote

79. Prior to 1998, any amendment to the Charter required approval from the Legislative Delegation and Legislature by a special act before the voters considered the amendment. In 1998, the CRC proposed to eliminate such oversight by the Delegation and Legislature.

80. Based on the recommendation from the 1998 CRC, the Legislative Delegation approved the removal of the provision providing for oversight by the Delegation and the Legislature and instead imposed the requirement of a dual vote, which was then presented to the voters in November, 1999.

81. The dual vote provision, which was approved by the voters in November 1999 by a vote of 29,234 to 16,806, and incorporated in the charter requires that a proposed county charter amendment must pass on both a countywide basis and in the affected municipality if the amendment affects a function, power, service or regulatory authority of that municipality.

82. Charter Amendment No. 4, *Deletion of the Requirement for Dual Vote*, seeks to eliminate the Charter's requirement of a dual vote. Specifically, the amendment proposes to delete the following language from Charter Section 6.04:

"However, any charter amendment affecting any change in function, service, power or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee."

83. Charter Amendment No. 4's ballot question states:

"Shall Section 6.04 of the Pinellas County Charter be amended to delete the requirement of a dual vote, while retaining the single vote requirement, for any charter amendment effecting a transfer of county, city or special district service or

regulatory authority, so that the Charter procedures will only follow the provisions of the Florida Constitution, which require a dual vote to effect a transfer of a county, city or special district function or power?"

84. Section 101.161, Florida Statutes exists to ensure that voters are advised of the meaning of a proposed amendment, stating in part:

“Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot...[t]he substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure...The Ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.”

85. However, as discussed and recognized by the CRC, the language of the ballot question for Charter Amendment No. 4 is unclear, ambiguous and confusing.

86. The ballot question for Charter Amendment No. 4 fails to specify that the voters and municipalities will lose substantial rights and control.

87. Furthermore, the ballot question contains the phrase "retaining the single vote requirement" although the single vote requirement is not in the existing Charter. The single vote requirement will replace the dual vote requirement, therefore, the use of the word "retaining" is misleading and does not give fair notice of what is being proposed. The result is a ballot question that fails to sufficiently advise the voter in order to enable him or her to cast an intelligent ballot.

88. Additionally, the ballot question does not contain an explanatory statement of the chief purpose for the amendment as required by Section 101.161, Florida Statutes. The chief purpose of the amendment is to allow Pinellas County to transfer services and regulatory authority away from a City without the need for

approval of the transfer by the residents of the City.

89. The ballot title for Charter Amendment No. 4 also lacks sufficient language to inform the voters of the impact of deleting the dual vote and states only, “Amends Charter to delete dual vote except as required by the Florida Constitution.”

90. The language is misleading as the ballot title says nothing about the transfer of authority away from the Cities and suggests that the dual vote requirement is in some way invalid because the Charter provides for something additional to the Florida Constitution.

91. Additionally, the dual vote language contained in current Charter Section 6.04 requires that a change in a charter amendment affecting any change in function, service, power or regulatory authority must be subject to a dual vote.

92. Charter Amendment No. 4 is being placed on the ballot without the requirement of the approval of voters by dual vote which is contrary to the requirements of the current Charter Section 6.04.

Charter Amendments Nos. 5, 6, 7--Annexation

93. Generally, municipal annexation is governed by Article VIII, Section 2 of the Florida Constitution and Chapter 171, Florida Statutes.

94. Article VIII, Section 2 states:

“Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.”

95. The purpose of Chapter 171 is to provide the general law standards and procedures for adjusting the boundaries of municipalities through annexation.

96. Charter Section 2.01 provides that Pinellas County shall have all powers of self-

government *not inconsistent with general law*. (emphasis added).

97. However, Charter Amendments Nos. 5, 6 and 7 seek to add language to Charter Section 2.07, *Annexation*, which would place constraints on Plaintiffs' powers of annexation beyond those requirements set forth by Chapter 171, Florida Statutes.

98. Charter Section 2.07 currently states:

"Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that all annexations shall be in accordance with the exclusive method and criteria for voluntary municipal annexation, including delineation of areas eligible for annexation, adopted by ordinance under the authority elsewhere provided for in this Charter."

99. Charter Amendment No. 5, *Annexation-Miscellaneous Controls*, proposes to add the following language to Section 2.07:

(1) Notwithstanding any other provision of law, no municipality in Pinellas County may subject any property to an annexation pursuant to Section 171.0413(5) or (6) without obtaining the consent required thereunder or as otherwise required by law pursuant to the following procedure:

(a) Consent must be express and written and is revocable up until the closing of the public hearing at the final adoption hearing before the local government.

(b) Such consent shall be obtained by the local government proposing the annexation and shall be secured no earlier than 150 days and not later than 120 days prior to any referendum required pursuant to Section 171.0413(5) Florida Statutes or, in the case of annexations pursuant to Section 171.0413(6) Florida Statutes, no earlier than 180 days and no later than 60 days prior to the first public hearing on the required ordinance. The acreage of consenting special districts, municipalities, the county or the

state shall not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes or any other applicable law.

(2) Notwithstanding any other provision of law, without the current property owner's written permission, no municipality in Pinellas County, may subject any property to an annexation referendum pursuant to Section 171.0413 Florida Statutes, for a period of seven(7) years from the last date that such property was last subject to a referendum annexation.

(3) In addition to any notice otherwise required by law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413 Florida Statutes unless individual notice has been provided by certified mail to all registered electors in the event of a referendum and all property owners within the potential annexation area at least 60 days proper to the first public hearing except for actions pursuant to 171.0413(6) Florida Statutes in which case the notice shall be provided 30 days prior to the first public hearing. The notice shall refer the recipient to a phone number or website on the internet where, at a minimum, comprehensive information concerning the financial impact of the proposed annexation on an individual property can be obtained and advising them that there will be additional newspaper notice of the exact area proposed for annexation.

100. The ballot question for Charter Amendment No. 5 states:

"Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent, by requiring an informative mail notice prior to all non-voluntary annexations, establishing a 7-year moratorium on repeat

annexation attempts without consent, regulate aspects of obtaining consent and shall special acts of the legislature be approved to implement said restrictions?"

101. Additionally, Charter Amendment No. 6, *Annexation Incentives*, seeks to add the following language to Charter Section 2.07:

"Notwithstanding any other provision of law, neither an annexing municipality nor the County may offer, negotiate, agree to provide, or provide, any material incentives or inducements to property owners in conjunction or connection with an annexation proposal. Material incentives or inducements may include, but not be limited to, and by way of example, cash or other expenditures or improvements that do not provide a paramount public purpose. Expenditures in furtherance of the closure of enclaves represent a public purpose."

102. The ballot question for Charter Amendment No. 6 states:

"Shall Section 2.07 of the Pinellas County Charter be amended to limit the expenditure of public funds that do not provide paramount public purpose to induce annexation and shall special acts of the legislature be approved to implement said restrictions?"

103. Finally, Charter Amendment No. 7, *Annexation-Consent Controls*, adds the following language to Charter Section 2.07:

"Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413(6) Florida Statutes where: 1) a property owner has not given express consent to be annexed unless fifty percent (50%) of the perimeter of that owner's property is surrounded by a combination of either incorporated territory of the annexing jurisdiction or property owners that are subject to the proposed annexation that consent to the proposed annexation; and 2) the total percentage of consenting property owners in the entire proposed annexation area, on both a parcel and acreage basis exceeds sixty-seven (67%). The acreage and parcels of consenting special districts, municipalities, the county or the state shall not count toward the satisfaction of the sixty-seven percent (67%) requirement."

104. The ballot question for Charter Amendment No. 7 states:

"Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent and shall a special act of the legislature be approved to implement said restrictions?"

105. If the voters approve Charter Amendments Nos. 5, 6 and 7, the amendments

preempt the Plaintiffs' authority to annex property in violation of Article VIII, Section 2 of the Florida Constitution and Chapter 171, Florida Statutes.

106. Passage of Charter Amendments Nos. 5, 6 and 7 would prevent the Plaintiffs' from exercising their rights under Chapter 171, Florida Statutes and the Florida Constitution as Charter Amendments Nos. 5-7 attempt to define the method and manner by which the Plaintiffs' may annex unincorporated property.

107. Additionally, as previously noted, Section 101.161, Florida Statutes requires that the ballot language for any referendum question be clear and unambiguous for voters.

108. However, the proposed language for the ballot questions for Charter Amendments Nos. 5, 6 and 7 is unclear and ambiguous.

109. Specifically, the ballot language for each Charter Amendment provides no guidance to the voter as to the necessity of a special act to implement the proposed annexation modifications.

110. The ballot questions for Charter Amendments Nos. 5, 6, and 7 fail to contain an explanatory statement of the chief purpose for the amendment as required by Section 101.161, Florida Statutes. The chief purpose of these amendment is to allow Pinellas County to substantially impair the Cities' ability to annex unincorporated property. The ballot titles for Charter Amendments Nos. 5, 6 and 7 are also unclear and ambiguous, contrary to Section 101.161, Florida Statutes.

111. Additionally, the dual vote language contained in Charter Section 6.04 requires that a change in a charter amendment affecting any change in function, service, power or regulatory authority must be subject to a dual vote.

112. Charter Amendments No. 5, 6 and 7 is being placed on the ballot without the

requirement of the approval of voters by dual vote which is contrary to the requirements of Charter Section 6.04 and the Florida Constitution.

113. Charter Amendments No. 5, 6 and 7 would ostensibly allow the voters to “decide” these amendments before a special act is enacted by the Florida Legislature. Because the voters lack the power to direct the Florida Legislature to take any action, placing Charter Amendments No. 5, 6 and 7 on the ballot for the November 7, 2006, election will be meaningless.

Impact of 2006 Proposed Charter Amendments

114. At the public hearings on May 8th, May 22nd and June 8th, the Plaintiffs’, through their respective counsel, voiced objections and concerns as to all the charter amendments.

115. On June 8th, 2006, the CRC was provided with resolutions passed by a number of the Plaintiffs in opposition to the charter amendments.

116. Over those objections, the CRC still forwarded the proposed amendments in its report to the BOCC dated June 30, 2006.

117. If the charter amendments pass, those amendments will become a permanent part of the Charter unless repealed or amended by the voters.

118. The Charter Amendments raise constitutional and legal issues of considerable public importance that will significantly affect the rights granted to the Plaintiffs under the Florida Constitution, Florida Statutes and the Charter if successfully passed.

119. As set forth in the counts for declaratory judgment, the CRC’s adoption of the proposed charter amendments and the subsequent actions by the BOCC and Supervisor leaves the Plaintiffs’ in doubt as to their rights.

120. Should Charter Amendments Nos. 4, 5, 6 and 7 be submitted to the voters in their present form, the amendments would irreparably harm the Plaintiffs and the public for the reasons

stated in the count for injunctive relief.

121. The Plaintiffs have no adequate remedy at law and monetary damages will not compensate the Plaintiffs. There is a substantial likelihood that the Plaintiffs will prevail on the merits of this case. An injunction prohibiting the placement of the charter amendments on the ballot and invalidating the vote as to the amendments should a vote occur will not disserve the public interest.

COUNT I DECLARATORY ACTION
VIOLATION OF SUNSHINE LAW

122. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

123. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against the Defendant CRC. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

124. The Plaintiffs and Defendant are in dispute that the telephonic “appearance” and subsequent voting of Commissioners Kwall and Coates at the June 19, 2006, meeting, was in accordance with Section 286.011, Florida Statutes.

125. There is a bona fide need for the Court's declaration in this matter.

126. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare the “appearance” of Commissioners Kwall and Coates telephonically at the June 19, 2006, meeting violated Section 286.011, Florida Statutes.
2. that this Court declare, due to the violation of Section 286.011, Florida

Statutes, all votes cast by Commissioners Kwall and Coates over the telephone at the June 19, 2006, meeting were void.

3. that this Court declare that the CRC must have had eight votes of those Commissioners physically present to have passed any actions at the June 19, 2006, meeting.
4. that this Court declare that since the votes of Kwall and Coates constituted two of the eight votes necessary to approve Charter Amendments Nos. 4 and 5, that those amendments failed due to lack of approval because Kwall and Coates' votes were void.
5. that this Court declare all the actions of the CRC, taken on June 19, 2006, void *ab initio* based on the violation of Section 286.011, Florida Statutes.
6. that this Court declare that since actions of the CRC, taken on June 19, 2006, are void *ab initio*, the charter amendments and special act are precluded from placement on the November 7, 2006, election ballot.
7. that this Court grant injunctive relief and enjoin the Supervisor from placing the charter amendments and special act in their entirety on the November 7, 2006, election ballot.
8. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 286.011, Florida Statutes and Florida law, including an award of attorneys' fees as permitted.

COUNT II DECLARATORY ACTION
VIOLATION OF SUNSHINE LAW

127. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

128. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against Defendant CRC. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

129. The Plaintiffs and Defendant are in dispute that the changes made by Bomstein, on behalf of the CRC, with Spitzer and the County Attorney's Office, to finalize the ballot language and report to the BOCC, without public notice, a public meeting or minutes of said meeting taken, between June 19th and June 30th, 2006, were a violation of 286.011, Florida Statutes.

130. There is a bona fide need for the Court's declaration in this matter.

131. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that the CRC's delegation of authority to Bomstein, to work with the County Attorney's Office and Spitzer to make changes to the ballot questions and report to the BOCC, required that those changes be made at a public meeting, with public notice and minutes of said meeting taken, in accordance with Section 286.011, Florida Statutes.
2. that this Court declare when Bomstein worked with Spitzer and the County Attorney's Office to change and finalize the ballot language and report to the BOCC without public notice, a public meeting or minutes of such meeting, a violation of Section 286.011, Florida Statutes, occurred.
3. that this Court declare the actions of Bomstein, on behalf of the CRC, between June 19, 2006, through June 30, 2006, to be void *ab initio* based

on the violation of Section 286.011, Florida Statutes.

4. that this Court declare that the actions of Bomstein, on behalf of the CRC, between June 19, 2006, through June 30, 2006, which are void *ab initio*, preclude placement of the ballot questions for the charter amendments and special act on the November 7, 2006, election ballot.
5. that this Court grant injunctive relief and enjoin the Supervisor from placing the charter amendments and special act in their entirety from the November 7, 2006, election ballot.
6. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 286.011, Florida Statutes and Florida law, including an award of attorneys' fees as permitted.

COUNT III DECLARATORY ACTION
CRC'S PROCEDURAL VIOLATION OF CHARTER

132. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

133. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against Defendant CRC. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

134. The Plaintiffs and Defendant are in dispute that when the CRC failed to approve the charter amendments' ballot language at the final public hearing on June 8, 2006, and failed to follow its own procedures on June 19, 2006, a violation of Charter Section 6.05 and a violation of due process occurred.

135. There is a bona fide need for the Court's declaration in this matter.

136. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request this Honorable Court accept jurisdiction of

this matter and award the following relief:

1. that this Court declare that Charter Section 6.03 requires all meetings of the CRC be open to the public.
2. that this Court declare that in addition to the public meetings requirement of Charter Section 6.03, the CRC was required by Charter Section 6.05 to conduct three public hearings prior to adopting and submitting its recommendations as to the charter amendments to the BOCC.
3. that this Court declare that at the final public hearing on June 8, 2006, the CRC was required to approve the recommended charter amendments' ballot language.
4. that this Court declare the CRC's failure to approve the ballot language on June 8, 2006, violated Charter Section 6.05.
5. that this Court declare that the failure to follow the procedure set forth in Charter Section 6.05, invalidates the CRC's actions after June 8, 2006, and precludes placement of the charter amendments' ballot questions on the November 7, 2006, election ballot.
6. that this Court declare that the failure by the CRC to follow its own procedures is a violation of due process.
7. that this Court grant injunctive relief and enjoin the Supervisor from placing the charter amendments' ballot language in its entirety from the November 7, 2006, election ballot.
8. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida

law, including an award of costs as permitted.

COUNT IV DECLARATORY ACTION
BOCC'S PROCEDURAL VIOLATION OF CHARTER

137. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

138. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against Defendant BOCC. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

139. The Plaintiffs and Defendant are in dispute that the BOCC could accept the final report of the CRC which included the proposed charter amendments and ballot questions as approved between June 19th and June 30, 2006, instead of at the final public hearing on June 8, 2006, which were not adopted in accordance with the CRC's own procedures and as required by Charter Section 6.05.

140. There is a bona fide need for the Court's declaration in this matter.

141. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that the CRC failed to act in accordance with Charter Section 6.05, by approving the ballot language after the final public hearing on June 8, 2006.
2. that this Court declare that the actions of the BOCC, in accepting the ballot language that was approved and finalized by the CRC after June 8, 2006, a violation of Charter Section 6.05.
3. that this Court declare that the failure to follow its own procedures and the

procedures set forth in Charter Section 6.05, invalidates the BOCC's actions and precludes placement of the ballot language on the November 7, 2006, election ballot.

4. that this Court grant injunctive relief and enjoin the Supervisor from placing the charter amendments' ballot language in its entirety from the November 7, 2006, election ballot.
5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT V DECLARATORY ACTION
SUPERVISOR'S PROCEDURAL VIOLATION OF CHARTER

142. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

143. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against Defendant Supervisor. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

144. The Plaintiffs and Defendants are in dispute that the Supervisor could accept the ballot language, as approved between June 19th and June 30, 2006, instead of at the final public hearing as required by Charter Section 6.05.

145. There is a bona fide need for the Court's declaration in this matter.

146. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that the CRC failed to act in accordance with

Charter Section 6.05, by approving the ballot language after the final public hearing on June 8, 2006.

2. that this Court declare the BOCC, in accepting the ballot language that was approved and finalized by the CRC after June 8, 2006, violated Charter Section 6.05.
3. that this Court declare the actions of the Supervisor, in the ballot language that was approved and finalized by the CRC after June 8, 2006, and subsequently accepted by the BOCC, violated Charter Section 6.05.
4. that this Court declare that the failure to follow the procedure set forth in Charter Section 6.05, invalidates the Supervisor's actions and precludes placement of the ballot language on the November 7, 2006, election ballot.
5. that this Court grant injunctive relief and enjoin the Supervisor from placing the charter amendments' ballot language in its entirety on the November 7, 2006, election ballot.
6. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT VI DECLARATORY ACTION
CRC'S PROCEDURAL VIOLATION OF CHARTER

147. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

148. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against Defendant CRC. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

149. The Plaintiffs and Defendant are in dispute that when the CRC failed to approve the proposed changes to the Charter at the final public hearing on June 8, 2006, there was a violation of Charter Section 6.05.

150. There is a bona fide need for the Court's declaration in this matter.

151. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that in addition to the public meetings requirement of Charter Section 6.03, the CRC shall conduct three public hearings prior to submitting its recommendations as to the charter amendments and vote upon a proposed form of the revised Charter to be forwarded to the BOCC, in accordance with Charter Section 6.05.
2. that this Court declare that at the final hearing on June 8, 2006, the CRC was to approve the proposed form of the revised Charter.
3. that this Court declare the CRC's failure to approve a proposed form of the revised Charter on June 8, 2006, violated Charter Section 6.05.
4. that this Court declare that the failure to follow the procedure set forth in Charter Section 6.05, invalidates the CRC's actions as to the proposed changes to the Charter.
5. that this Court grant injunctive relief by directing the Supervisor to strike the charter amendments in their entirety from the November 7, 2006, election ballot.
6. that this Court grant the Plaintiffs such other and further relief as this Court

deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT VII DECLARATORY ACTION
CHARTER AMENDMENT NO. 4 BALLOT QUESTION & TITLE

152. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

153. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

154. The Plaintiffs and Defendants are in dispute that the ballot question and title language of Charter Amendment No. 4 complies with s. 101.161, Florida Statutes.

155. There is a bona fide need for the Court's declaration in this matter.

156. A true and genuine controversy exists that necessitates this Court's adjudication.

157. WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare the ballot question language contained in Charter Amendment No. 4 violates Section 101.161, Florida Statutes, because the language is unclear and ambiguous.
2. that this Court declare the ballot title language contained in Charter Amendment No. 4 violates Section 101.161, Florida Statutes, because the language is unclear and ambiguous.
3. that this Court declare that Charter Amendment No. 4 is invalid and not enforceable, based on the violation of Section 101.161, Florida Statutes.
4. that this Court grant injunctive relief and enjoin the Supervisor from

placing Charter Amendment No. 4 in its entirety on the November 7, 2006, election ballot.

5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 101.161, Florida Statutes and Florida law, including an award of costs as permitted.

COUNT VIII DECLARATORY ACTION
DUAL VOTE TO PASS CHARTER AMENDMENT NOS. 4, 5, 6 and 7

158. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

159. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

160. The Plaintiffs and Defendants are in dispute that Charter Amendments Nos. 4, 5, 6 and 7 require approval subject to the dual vote, whereby voters both countywide and in the affected municipalities in Pinellas County must approve Charter Amendments Nos. 4, 5, 6 and 7.

161. There is a bona fide need for the Court's declaration in this matter.

162. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that Charter Amendment No. 4 requires approval by voters countywide and in the affected municipalities in Pinellas County in accordance with the Charter.
2. that this Court declare that Charter Amendments Nos. 5, 6 and 7, requires

a dual vote, approved by voters countywide and in the affected municipalities in Pinellas County in accordance with the Charter and Florida Constitution.

3. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT IX DECLARATORY ACTION
CHARTER AMENDMENT NO. 5

163. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

164. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

165. The Plaintiffs and Defendants are in dispute that the language contained in Charter Amendment No. 5 is preempted by Chapter 171, Florida Statutes and the Florida Constitution.

166. There is a bona fide need for the Court's declaration in this matter.

167. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare that Charter Amendment No. 5 is preempted by Chapter 171, Florida Statutes.
2. that this Court declare that Charter Amendment No. 5 is preempted by Article VIII, Section 2 of the Florida Constitution.
3. that this Court declare that Charter Amendment No.5 is invalid and not

enforceable because it is preempted by Chapter 171, Florida Statutes and the Florida Constitution.

4. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment No. 5 in its entirety, from the November 7, 2006, election ballot.
5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT X DECLARATORY ACTION
CHARTER AMENDMENT NO. 5 BALLOT QUESTION & TITLE

168. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

169. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

170. The Plaintiffs and Defendants are in dispute that the ballot question and title language for Charter Amendment No. 5 complies with Section 101.161, Florida Statutes.

171. There is a bona fide need for the Court's declaration in this matter.

172. A true and genuine controversy exists that necessitates this Court's adjudication.

173. WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction of this matter and award the following relief:

1. that this Court declare the ballot question language contained in Charter Amendment No.5 violates Section 101.161, Florida Statutes.
2. that this Court declare the ballot title language contained in Charter

Amendment No.5 violates Section 101.161, Florida Statutes.

3. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment No. 5 in its entirety on the November 7, 2006, election ballot.
4. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 101.161, Florida Statutes and Florida law, including an award of costs as permitted.

COUNT XI DECLARATORY ACTION
CHARTER AMENDMENT NO. 6

174. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

175. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

176. The Plaintiffs and Defendants are in dispute that the language contained in Charter Amendment No. 6 is preempted by Chapter 171, Florida Statutes and the Florida Constitution.

177. There is a bona fide need for the Court's declaration in this matter.

178. This matter is properly before this Court by proper process and the relief sought is an adjudication by the Court as to the controversy between the parties and not for any other purpose.

179. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction in this matter and award the following relief:

1. that this Court declare that Charter Amendment No. 6 is preempted by Chapter 171, Florida Statutes.
2. that this Court declare that Charter Amendment No. 6 is preempted by Article VIII, Section 2 of the Florida Constitution.
3. that this Court declare that Charter Amendment No.6 is invalid and not enforceable because it is preempted by Chapter 171, Florida Statutes and the Florida Constitution.
4. that this Court grant injunctive relief and enjoin the Supervisor to strike Charter Amendment No. 6 in its entirety on the November 7, 2006, election ballot.
5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT XII DECLARATORY ACTION
CHARTER AMENDMENT NO. 6 BALLOT QUESTION & TITLE

180. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.
181. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.
182. The Plaintiffs and Defendants are in dispute that the ballot question and title language of Charter Amendment No. 6 complies with Section 101.161, Florida Statutes.
183. There is a bona fide need for the Court's declaration in this matter.
184. A true and genuine controversy exists that necessitates this Court's adjudication.

185. WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction in this matter and award the following relief:

1. that this Court declare the ballot question language contained in Charter Amendment No.6 violates Section 101.161, Florida Statutes.
2. that this Court declare the ballot title language contained in Charter Amendment No.6 violates Section 101.161, Florida Statutes.
3. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment No. 6 in its entirety on the November 7, 2006, election ballot.
4. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 101.161, Florida Statutes and Florida law, including an award of costs as permitted.

COUNT XIII DECLARATORY ACTION
CHARTER AMENDMENT NO. 7

186. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

187. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

188. The Plaintiffs and Defendants are in dispute that the language contained in Charter Amendment No. 7 is preempted by Chapter 171, Florida Statutes and the Florida Constitution.

189. There is a bona fide need for the Court's declaration in this matter.

190. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction in this matter and award the following relief:

1. that this Court declare that Charter Amendment No. 7 is preempted by Chapter 171, Florida Statutes.
2. that this Court declare that Charter Amendment No. 7 is preempted by Article VIII, Section 2, of the Florida Constitution.
3. that this Court declare that Charter Amendment No.7 is invalid and not enforceable, because of the preemption of Chapter 171, Florida Statutes and the Florida Constitution.
4. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment No. 7 in its entirety on the November 7, 2006, election ballot.
5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs as permitted.

COUNT XIV DECLARATORY ACTION
CHARTER AMENDMENT NO. 7 BALLOT QUESTION & TITLE

191. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.
192. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.
193. The Plaintiffs and Defendants are in dispute that the ballot question and title language of Charter Amendment No.7 complies with Section 101.161, Florida Statutes.

194. There is a bona fide need for the Court's declaration in this matter.

195. A true and genuine controversy exists that necessitates this Court's adjudication.

196. WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction in this matter and award the following relief:

1. that this Court declare the ballot question language contained in Charter Amendment No.7 violates Section 101.161, Florida Statutes.
2. that this Court declare the ballot title language contained in Charter Amendment No.7 violates Section 101.161, Florida Statutes.
3. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment No. 7 in its entirety on the November 7, 2006, election ballot.
4. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Section 101.161, Florida Statutes and Florida law, including an award of costs as permitted.

COUNT XV DECLARATORY ACTION
REQUIREMENT FOR SPECIAL ACT TO PASS CHARTER AMENDMENTS NOS. 5-7

197. The Plaintiffs reallege Paragraphs 1 through 121 as if fully set forth herein.

198. This is an action pursuant to Chapter 86, Florida Statutes, for declaratory judgment against all Defendants. The Plaintiffs are in doubt about their rights and are in need of a judicial declaration.

199. The Plaintiffs and Defendants are in dispute in fact that the voters cannot decide Charter Amendments Nos. 5, 6 and 7 until a special act or acts of the legislature have been

passed, in addition, the Defendants do not have the authority to regulate the manner in which the municipalities expend their funds by special act.

200. There is a bona fide need for the Court's declaration in this matter.

201. A true and genuine controversy exists that necessitates this Court's adjudication.

WHEREBY, the Plaintiffs respectfully request that this Honorable Court accept jurisdiction on this matter and award the following relief:

1. that this Court declare that Charter Amendments Nos. 5, 6 and 7 may not be included on the ballot for the November 7, 2006, election until a special act or general law by the legislature has been passed.
2. that this Court declare that a failure to pass a special act prior to the election on November 7, 2006, invalidates Charter Amendments Nos. 5, 6 and 7.
3. that this Court declare that a municipality's authority to expend monies for a public purpose is governed by state Constitution and general law and to remove such authority, by special act, violates the Florida Constitution.
4. that this Court grant injunctive relief and enjoin the Supervisor from placing Charter Amendment Nos. 5, 6 and 7 in their entirety on the November 7, 2006, election ballot.
5. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida Statutes and Florida law, including an award of costs as permitted.

COUNT XVI INJUNCTIVE RELIEF
COUNTS I THROUGH VII AND COUNTS IX THROUGH XV

202. The Plaintiffs reallege Paragraphs 1 to 121 as if fully set forth herein.

203. This is an action for temporary and permanent injunctive relief against Defendant Supervisor. The Plaintiffs are seeking to enjoin Defendant Supervisor from placement of the charter amendments, their ballot questions and titles and the special act on the November 7, 2006, election ballot.

204. The Plaintiffs have a clear legal right to demand that the Defendant CRC comply with Section 286.011, Florida Statutes.

205. The Plaintiffs have a clear legal right to demand that the Defendant CRC comply with the Charter's procedures and public hearing requirements.

206. The Plaintiffs have a clear legal right to demand that the Defendant BOCC comply with the Charter's procedures.

207. The Plaintiffs have a clear legal right to demand that the Defendant Supervisor comply with the Charter's procedures.

208. The Plaintiffs have a clear legal right to demand that the Defendant CRC provide clear and unambiguous ballot questions and titles for its all the proposed charter amendments and otherwise comply with Section 101.161, Florida Statutes.

209. The Plaintiffs have a clear legal right to demand that charter amendments which are preempted by Florida Statutes and the Florida Constitution not be placed on the November 7, 2006, election ballot.

210. The Plaintiffs have suffered and will continue to suffer irreparable injury unless the Defendant Supervisor is enjoined from placing the charter amendments and the special act in its entirety on the November 7, 2006, ballot. Should the charter amendments and the ballot questions be allowed to be placed on the ballot, this would allow for deficient charter amendments

to be provided to the voters for their consideration. If voters pass the amendments, those amendments will become a part of the existing Charter. The Plaintiffs will then be subject to defective amendments that could only be corrected through additional litigation and/or subsequent repeal by the voters.

211. The Plaintiffs have no adequate remedy at law as monetary damages cannot adequately compensate the Plaintiffs should the charter amendments and special act be placed on the November 7, 2006, election ballot.

212. There is a substantial likelihood of success on the merits by the Plaintiffs.

213. The public interest will not be disserved by the issuance of an injunction in this matter as it relates to significant changes in the Charter which would impact the voters and the municipalities where those voters reside.

214. The Plaintiffs shall post a bond, if necessary, in an amount determined by the Court in this matter pursuant to Florida Rules of Civil Procedure 1.610.

WHEREBY, the Plaintiffs respectfully request this Honorable Court to assume jurisdiction in this cause and award the following relief:

1. that this Court, based on the violations of Section 286.011, Florida Statutes, temporarily and permanently enjoin Defendant Supervisor from placing the charter amendments and special act in their entirety on the November 7, 2006, election ballot.
2. that this Court, based on violations of Charter Section 6.05, temporarily and permanently enjoin Defendant Supervisor from placing the charter amendments and special act in their entirety on the November 7, 2006, election ballot.

3. that this Court, based on violations of Section 101.161, Florida Statutes, temporarily and permanently enjoin Defendant Supervisor from placing Charter Amendments Nos. 4, 5, 6 and 7 in their entirety on the November 7, 2006, election ballot.
4. that this Court, based on the failure to subject Charter Amendments Nos. 4, 5, 6 and 7 to the dual vote as required by the Charter and Florida Constitution, temporarily and permanently enjoin Defendant Supervisor from placing Charter Amendments Nos. 4, 5, 6 and 7 in their entirety on the November 7, 2006, election ballot.
5. that this Court, based on the preemption of Chapter 171, Florida Statutes and the Article VIII, Section 2, Florida Constitution, temporarily and permanently enjoin Defendant Supervisor from placing Charter Amendments Nos. 5, 6, and 7 in their entirety on the November 7, 2006, election ballot.
6. that this Court grant the Plaintiffs such other and further relief as this Court deems just and appropriate under the circumstances and allowed by Florida law, including an award of costs and attorneys' fees as permitted.

WHEREFORE, the Plaintiffs, respectfully request that this Court take this cause up on expedited review, and following such review, grant the Plaintiffs the declaratory and injunctive relief requested in this Complaint.

