

## PROPOSED SPECIAL ACT

A bill to be entitled

An act relating to Pinellas County; amending chapter 80-590, Laws of Florida; amending home rule charter of the county to provide for local power to repeal and replace the Charter without future reference to the Legislature; providing for a referendum; providing for an effective date

Be It Enacted by the Legislature of the State of Florida:

**Section 1.** Section 6.01 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, is amended as follows:

Article VI, Charter Amendments.

**Sec. 6.01. Proposed by county.**

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter or to propose the repeal and replacement of the Charter. Any such amendment to or repealer and replace the Charter shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said

referendum, together with the exact language of the proposed amendment or repealer and replacement, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal and replace the Charter shall require approval of a majority of electors voting in said election on such amendment.

**Section 2.** Section 6.02 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows: Article VI, Charter Amendments.

**Sec. 6.02. Charter initiative.**

1) Amendments to or repeal and replace the Charter may be proposed by a petition signed by registered electors equal to at least ten (10) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has

been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment or repealer and replacement shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment or repealer and replacement proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment or repealer and replacement as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal and replace the Charter shall require approval of a majority of electors voting in said election on such amendment.

2) The sponsor of a petition amendment or repealer and replacement shall, prior to obtaining any signatures, submit the text of the proposed amendment or repealer and replacement to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance.

The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.

3) If approved by a majority of those electors voting on the amendment or repealer and replacement at the general election, the amendment or repealer and replacement shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

4) **Section 3.** Section 6.03 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

**Sec. 6.03. Charter review commission.**

(a) During the month of December, 1985 and every six (6) years thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet prior to the end of the third week in January 1986, and every six (6) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its

operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance. The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government and shall have the authority in order to recommend amendments to or repeal and replacement of this Charter, ~~if any.~~

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to or repealer and replacement of the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments to or repealer and replacement of the Charter may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each six (6) years

thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments or repealer and replacement as submitted in the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repealer and replacement of the Charter shall require approval of a majority of electors voting in said election on such amendment or repealer and replacement.

**Section 4.** Section 6.04 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, and amended by chapter 99-451, Laws of Florida, is amended as follows:

**Sec. 6.04. [Placement on ballot.]**

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments to or repealer and replacement of the Charter proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments to or repealer and replacement of

the Charter need to be referred to or approved by the Legislature prior to any such placement on the ballot. 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. Such amendments or repealer and replacement proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

**Section 5.** A referendum election will be called pursuant to the Charter and Florida Statutes, and the ballot title and question shall be substantially as follows:

BALLOT TITLE: AMENDS CHARTER TO AUTHORIZE REPEAL AND REPLACEMENT OF THE CHARTER BY REFERENDUM OF THE ELECTORATE

BALLOT QUESTION: Shall Sections 6.01, 6.02, 6.03, and 6.04 of the Charter be amended to provide for local authority to repeal and replace the Charter without



future reference to the Legislature, subject to referendum approval by vote of the electorate?

**Section 6.** This Act shall take effect only upon its approval by a majority vote of those qualified electors of Pinellas County, Florida, voting in the referendum to be called by the Board of County Commissioners of Pinellas County to be held prior to December 31, 2014, in accordance with the provisions of law relating to elections currently in force, except that this Section shall take effect upon this Act becoming Law.