

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLES IV and V OF THE CITY CHARTER ENTITLED "INITIATIVE," AND "REFERENDUM" INCLUDING A CHANGE TO INCREASE THE TIME WITHIN WHICH A COMMITTEE OF PETITIONERS MUST FILE SUPPLEMENTARY PETITION PAPERS CONTAINING ADDITIONAL SIGNATURES AND NON-SUBSTANTIVE CHANGES PRIMARILY AIMED AT MAKING UNIFORM THE PROCEDURES FOR AN INITIATIVE AND A REFERENDUM, SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, ... , submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, Article XI of the Charter of the City of Hollywood creates a charter review committee to be appointed every six years and to submit proposed Charter amendments to the City Commission;

WHEREAS, Article XI of the Charter requires the City Commission to place the charter review committee's proposals on the ballot; and

WHEREAS, the Charter Review Committee has proposed amendments to Articles IV and V of the Charter regarding initiative and referendum;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Article IV of the City of Hollywood Charter is hereby amended to read as follows:

ARTICLE IV. INITIATIVE

Sec. 4.01. Definitions.

(a) *Initiative.* The electors shall have the power, in accordance with the provisions of this Article 4, at their option to propose ordinances; ~~except ordinances regarding the budget, capital programs, appropriation of money, levy of taxes and~~

(Coding: Words underscored are additions to existing law; words ~~struck-through~~ are deletions from existing law.)

salaries of officers and employees or emergency ordinances, and to adopt the same those proposed ordinances at the polls, such power being known as an the initiative.

(b) Initiative petition Petition. A petition that meets, meeting the requirements hereinafter provided and requesting the commission to pass an ordinance therein set forth or designated, of this Article 4 and that proposes an initiative shall be termed an initiative petition and shall be acted upon as hereinafter provided in this article.

Sec. 4.02. Measures not subject to initiative.

The initiative process shall not be available to propose ordinances regarding the budget, capital programs, the appropriation of money, the levy of taxes, and salaries of officers and employees, and emergency ordinances.

Sec 4.03. Initiative Petition – Authority to file; signatures required.

Upon the delivery of an initiative petition signed by at least fifteen percent (15%) of the total number of registered voters in each of four (4) districts of the city and at least fifteen percent (15%) of the total number of registered voters of the city as a whole, all as shown by the county registration books, the initiative petition shall be considered sufficient and shall be acted upon as provided herein.

Sec. 4.04 4.02. Initiative petitions Petitions — Requirements; filing.

(a) Signatures on to initiative petitions need not all be on one (1) paper, but the circulator of every such petition shall make an affidavit that each signature appended to the petition is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

STATE OF FLORIDA  
COUNTY OF BROWARD, ss

being duly sworn, deposes and says that he or she is the circulator of the foregoing initiative petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ 19\_\_ .

\_\_\_\_\_  
Notary Public

(b) With each signature, the petition also shall state ~~be stated~~ the place of residence of the signer, giving the street and number or other description sufficient to identify the signer's residence place.

(c) An initiative petition need not contain the full text of the proposed ordinance but shall briefly and fairly describe the ordinance sought to be enacted.

(d e) All initiative petitions such papers pertaining to any one (1) measure shall have written or printed on the petition ~~thereon~~ the names and addresses of at least five (5) registered voters who shall constitute a committee of the petitioners for the purposes hereinafter provided ~~named~~.

(e d) All such initiative petition papers shall be filed in the office of the city clerk, securely fastened together, as one (1) petition.

Sec. ~~4.05~~ 4.03. Initiative petitions Same – Certification and procedure ~~Procedure when insufficient.~~

(a) Within twenty (20) days after the filing of the initiative petition, the clerk shall certify on the petition the number of registered voters in each district of the city and in the city as a whole whose signatures are appended thereto and whether or not the petition is signed by these numbers are at least fifteen percent (15%) of the total number of registered voters in each of four (4) districts of the city and at least fifteen percent (15%) of the total number of registered voters of the city as a whole, all as shown by the county registration books.

(b) If by the clerk's certificate the number of registered voters signing the petition signers is shown to be insufficient, such notice in writing shall be given to each member of the committee of petitioners, notifying them of the number of missing signatures in each deficient category. The petition may be amended within twenty-one (21) ~~ten (10)~~ days from the date of such certificate by filing supplementary petition papers containing with the additional signatures.

(c) Within ~~The clerk shall,~~ within ten (10) days after filing the supplementary petition papers, the clerk shall certify on the supplementary amended petition whether the number of signers to both the original petition and the supplementary amended petition is sufficient or insufficient, as required by this Article. If it is insufficient, the clerk shall notify each member of the committee of petitioners in writing of that fact.

(d) The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. ~~4.06~~ 4.04. Initiative petitions Same — Submission to commission.

(a) If the clerk's certificate shows the number of signers to the initiative petition to be sufficient, ~~the clerk~~ he shall submit the proposed measure to the commission at its next meeting.

(b) Upon receiving the proposed initiative ~~measure~~, the commission shall proceed to consider the initiative measure and shall take final action on the initiative measure ~~thereon~~ within ninety (90) days from the date the initiative it is submitted to the commission.

Sec. ~~4.07~~ 4.05. Election process ~~Date of election~~

(a) If the commission shall fail to pass the proposed initiative measure, or shall pass it in a form different from that set forth in the initiative petition, then the measure shall be submitted by the commission to a ~~the~~ vote of the electors at the next municipal election if one is to be held not sooner ~~less~~ than ninety (90) days and not later than one hundred twenty (120) days after the date of ~~the~~ final action by the commission.

(b) If no election is to be held as provided by subsection (a), then the commission shall call a special election to be held not sooner ~~less~~ than ninety (90) and not later ~~nor~~ more than one hundred twenty (120) days after ~~from~~ the date of final action by the commission.

(c) When submitted to a vote of the electors, the measure shall be in the form set forth in Section ~~4.08~~ 4.06.

Sec. ~~4.08~~ 4.06. Form of ballot; effective upon adoption by majority participating.

(a) The initiative measure shall be submitted by the committee of petitioners to the city clerk for preparation and placement on the official ballot for the initiative.

(b) The ballot language shall contain a clear and concise statement, without argument or prejudice, describing the substance of the initiative measure that is being presented for vote by the electors.

(~~c~~ a) The ballots used when voting upon the initiative ~~any such proposed~~ measure shall state the substance thereof, and below it the two (2) alternatives: "YES ~~For the measure~~" and "NO ~~Against the measure.~~"

(~~d~~ b) If a majority of the electors voting on any such measure shall vote in favor of the initiative measure ~~thereof~~, it shall thereupon become an ordinance of the city.

Sec. ~~4.09~~ 4.07. Effect on measure adopted by commission in different form.

When a measure proposed by initiative petition is passed by the commission in a different form from the measure contained in the petition, and it is to be submitted to a vote of the electors, the measure passed by the commission shall not take effect until

after such vote. If the initiative measure ~~so submitted~~ is approved by a majority of the electors voting thereon, it shall thereupon become an ordinance of the city; and the measure as passed by the commission shall be deemed repealed.

Sec. ~~4.10~~ 4.08. Number of initiative measures at same election.

Any number of proposed initiative measures may be voted upon at the same election in accordance with the provisions of this Charter.

Section 2: That Article V of the City of Hollywood Charter is hereby amended to read as follows:

## ARTICLE V. REFERENDUM

Sec. 5.01. Definitions Defined.

(a) Referendum. The electors shall have the power, in accordance with the provisions of this Article 5, at their option to approve or reject at the polls any measure passed by the commission or submitted by the commission to a vote of the electors, such power being known as a referendum.

(b) Referendum Petition. A petition that meets the requirements of this Article 5 and that proposes a referendum shall be termed a referendum petition and shall be acted upon as provided in this Article.

Sec. 5.02. Initiative measures subject to referendum.

Measures submitted to the commission by initiative petition and passed by the commission without change or passed in an amended form shall be subject to a the referendum in the same manner as other measures.

Sec. 5.03. Referendum petition ~~Petition~~ - Authority to file; ~~number of~~ signatures required.

Upon the delivery of a referendum passage of any measure by the commission, a petition signed by at least fifteen percent (15%) of the total number of registered voters in each of four (4) districts of the city and at least fifteen percent (15%) of the total number of registered voters of the city as a whole, all as shown by the official registration books, the referendum petition shall be considered sufficient and shall be acted upon as provided herein may be filed with the city clerk requesting that such measure, ~~or any section thereof, be repealed or be submitted to a vote of the electors.~~

Sec. 5.04. Referendum petition ~~Same~~ - Requirements: filing.

(a) Signatures on a referendum petition ~~The signatures thereto~~ need not be all on one (1) paper, but the circulator of every such paper shall make an affidavit that

each signature appended ~~to the petition thereto~~ is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

STATE OF FLORIDA  
COUNTY OF BROWARD, ss

being duly sworn, deposes and says that he or she is the circulator of the foregoing initiative petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ 19\_\_.

\_\_\_\_\_  
Notary Public

(b) With each signature the petition also shall state ~~be stated~~ the place of residence of the signer, giving the street and number or other description sufficient to identify the signer's residence place.

~~(c) All such papers shall be filed in the office of the city clerk as one (1) petition.~~

~~(c d)~~ A referendum petition need not contain the full text of the measure designated therein and of which the repeal is sought but shall briefly and fairly describe the ordinance or part thereof sought to be repealed.

(d) All referendum petitions shall have written or printed on the petition the names and addresses of a least five (5) registered voters who shall constitute a committee of the petitioners for the purposes hereinafter provided.

(e) All referendum petition papers shall be filed in the Office of the City Clerk, securely fastened together, as one (1) petition.

Sec. 5.05. Referendum petition Same — Certification and procedure when insufficient Sufficiency; certification.

(a) Within twenty (20) days after the filing of the referendum petition, the clerk shall certify on the petition the number of registered voters in each district of the city and in the city as a whole whose signatures are appended thereto and thereon whether or not the petition is signed by at least fifteen percent (15%) of the total number of registered voters in each of four (4) districts of the city and at least fifteen percent (15%) of the total number of registered voters of the city as a whole, all as shown by the county registration books.

(b) If by the clerk's certificate the number of registered voters signing the petition is shown to be insufficient, such notice in writing shall be given to each member of the committee of petitioners, notifying them of the number of missing signatures in each deficient category it. The petition may be amended within twenty-one (21) ~~ten (10)~~ days from the date of such the certificate by the filing of supplementary petition papers containing ~~with the signatures of the additional signatures registered voters thereon.~~

(c) Within ~~The clerk shall, within ten (10) days after filing the supplementary petition, papers, the clerk shall certify on the supplementary petition thereon whether the total number of signers to registered voters signing both the original petition and the supplementary petition is sufficient as required by this Article section. If it is insufficient, the clerk shall notify each member of the committee of petitioners in writing of that fact.~~

(d) The final finding of the insufficiency of the petition shall not prejudice the filing of a new petition for the same purpose.

#### Sec. 5.06. Referendum petitions Election – Submission to commission.

(a) If the clerk's certificate shows the number of signers to registered voters signing the referendum petition to be is sufficient, the clerk shall submit the proposed measure to the commission shall reconsider the measure or such section thereof as the petition shall specify at its next meeting

(b) Upon receiving the proposed referendum, the commission shall proceed to consider the referendum measure and shall take final action on the referendum measure within ninety (90) days from the date the referendum is submitted to the commission.

#### Sec. 5.07. Election process

(~~a~~ b) If upon reconsideration by the commission such referendum measure or part thereof is not repealed or amended as demanded in the referendum petition, then the measure shall be submitted by the commission shall provide for submitting the same to a vote of the electors at the next municipal election if one is to be held not sooner less than ninety (90) days and not later nor more than one hundred twenty (120) days after final action ~~the receipt by the commission of the clerk's certificate.~~

(~~b~~ c) In the event no municipal election is to be held within the time specified in subsection (~~a~~ b), then the commission shall submit such measure or part thereof to the electors at a special election to be called by the commission not sooner less than ninety (90) days and not later nor more than one hundred twenty (120) days after final action ~~by the commission the receipt of the clerk's certificate.~~

(c) When submitted to a vote of the electors, the measure shall be in the form set forth in Section 5.08.

~~Sec. 5.08 5.07. Form of ballot; effective upon adoption by majority participating Submission by ballot title.~~

~~(a) The referendum question proposed measure shall be submitted by the committee of petitioners to the city clerk for preparation and placement on the official ballot for the referendum ballot title.~~

~~(b) The ballot language shall contain There shall appear upon the official ballot a description of any such proposed measure, which shall be a clear, and concise statement, without argument or prejudice, describing descriptive of the substance of the referendum such measure that is being presented for vote by the electors.~~

~~(c) —The question shall be submitted by the committee of the petitioners if for an initiative, to the city clerk for preparation and placement on the ballot or, if a referendum measure, also submit to the city clerk for preparation and placement on the ballot.~~

~~Sec. 5.08. Form of ballot.~~

~~(c) The ballot used when voting upon the referendum such proposed measure shall designate the measure, and below it the two (2) alternatives: “YES For the measure” and “NO Against the measure.”~~

~~Sec. 5.09. Petition not to affect measure pending referendum; effect when rejected.~~

~~(a) —When a petition is filed pursuant to section 5.03, the measure in question shall not be suspended from continuing in effect while the referendum or the action of the commission thereon is pending, but shall have full force and effect.~~

~~(d b) When any commission action measure submitted to a referendum vote of the electors is repealed not adopted by a majority of those voting thereon, the repealed commission action it shall be considered repealed as regards any further action thereunder; and all rights and privileges conferred by it shall be null and void.~~

~~(e e) The commission action measure repealed as provided by subsection (d b) shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure prior to the referendum or the action of the commission thereon.~~

~~Sec. 5.09. Petition not to affect measure pending referendum.~~

~~When a referendum petition is filed pursuant to Section 5.03, the measure in question shall not be suspended from continuing in effect while the referendum or the action of the commission thereon is pending, but shall have full force and effect.~~

Sec. 5.10. Preference when measures conflict.

If two (2) or more referendum measures adopted or approved at the same election conflict in respect to any of their provisions, they shall be effective in respect to such of their provisions as are not in conflict; and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

Section 3: That the ballot language for the Charter amendments proposed in Sections 1 and 2 above shall be as set forth in Exhibit A attached hereto.

Section 4: That the Charter amendments set forth in this ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held on November 6, 2018.

Section 5: That funding for the elections is available in account 01.1103.00000.512.004993 – Elections.

Section 6: Pursuant to the requirements of Florida Statute Section 100.342, notice of the election on the Charter amendments set forth in this ordinance shall be given at least thirty (30) days in advance of the election and shall be given in a newspaper of general circulation published in Broward County. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 7: That if the Charter amendments set forth in this ordinance are approved by a majority of the electors voting in the election scheduled for November 6, 2018, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the Charter of the City of Hollywood. They may be renumbered as appropriate to incorporate them into the Charter.

Section 8: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLES IV AND V OF THE CITY CHARTER ENTITLED "INITIATIVE" AND "REFERENDUM," SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

Section 9: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 10: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2018.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

\_\_\_\_\_  
DOUGLAS R. GONZALES, CITY ATTORNEY

EXHIBIT A

CHARTER AMENDMENTS – REFERENDUM  
VARIOUS AMENDMENTS REGARDING INITIATIVE AND REFERENDUM

These amendments would amend Articles IV and V of the City Charter entitled "Initiative" and "Referendum" respectively, which allow petitions to initiative legislation and to repeal legislation. Specifically, these amendments would (i) increase the time within which a committee of petitioners must file supplementary petition papers containing additional signatures and (ii) make non-substantive changes primarily aimed at making uniform the procedures for an initiative and a referendum.

QUESTION

Should Articles IV and V III of the City Charter entitled "Initiative" and "Referendum" be amended in the various ways described above?

Yes \_\_\_\_\_

No \_\_\_\_\_

Fiscal Impact of proposed City Charter Amendments  
concerning Initiative and Referendum

The proposed charter amendments do not result in significant additional costs.