

1 TOWN OF JUNO BEACH, FLORIDA

2  
3 ORDINANCE NO. 776

4  
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO  
6 BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT  
7 TO ARTICLE VI, "INITIATIVE AND REFERENDUM," SECTION 1,  
8 "PROCEDURES FOR INITIATIVE AND REFERENDUM," OF THE TOWN  
9 CHARTER TO SPECIFICALLY REFERENCE A VOTE ON SUCH  
10 PETITIONS BY THE TOWN'S QUALIFIED ELECTORS; PROVIDING  
11 FOR THE FORM OF THE QUESTION; PROVIDING FOR THE BALLOT  
12 TITLE AND EXPLANATORY LANGUAGE; PROVIDING FOR  
13 ADVERTISING; PROVIDING FOR CODIFICATION, SEVERABILITY,  
14 CONFLICTS AND AN EFFECTIVE DATE; PROVIDING FOR A  
15 REPEALER; AND FOR OTHER PURPOSES.

16  
17 WHEREAS, in accordance with Article VII, Section 3 of the Town Charter, the  
18 Town's Charter Review Committee ("Committee") reviewed the provisions of the Charter  
19 and recommended certain amendments; and

20  
21 WHEREAS, the Committee recommended a revision to Article VI, Section 1 of the  
22 Town Charter to revise the language referring to "a vote of the town" on a referendum or  
23 initiative petition to specifically refer to a vote of the Town's qualified electors to remain  
24 consistent with the remainder of the Article; and

25  
26 WHEREAS, the Town Council determines that it is in the best interests of the  
27 residents of the Town of Juno Beach to submit the proposed Town Charter amendment  
28 to referendum vote.

29  
30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
31 TOWN OF JUNO BEACH, FLORIDA as follows:

32  
33 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and  
34 correct and are incorporated herein.

35  
36 **Section 2.** The Town Council hereby amends Article VI, "Initiative and  
37 Referendum," Section 1, "Procedures for initiative and referendum," of the Town Charter  
38 to read as follows (additional language is underlined):

39  
40 **ARTICLE VI. INITIATIVE AND REFERENDUM**

41  
42 **[Sec. 1. Procedures for initiative and referendum.]**

43  
44 (a) *General provisions.*

45  
46 (1) *Initiative.* Electors of the town shall have power to propose  
47 ordinances to the council and, if the council fails to adopt an  
48 ordinance so proposed without any change in substance, to

1 adopt or reject it at a town election, provided that such power  
2 shall not extend to the budget or capital improvements  
3 program or any ordinance relating to appropriation of money,  
4 levy of taxes, salaries of town officers or employees,  
5 annexation of property, the rezoning of property, or the town's  
6 adopted comprehensive plan.

7  
8 (2) *Referendum.* Electors of the town shall have power to require  
9 reconsideration by the council of any adopted ordinance and  
10 if the council fails to repeal an ordinance so reconsidered, to  
11 approve or reject it at a town election, provided that such  
12 power shall not extend to the budget or capital improvements  
13 program or any emergency ordinance or ordinance relating to  
14 the appropriation of money, levy of taxes, salaries of town  
15 officers or employees, annexation of property, the rezoning of  
16 property, or the town's adopted comprehensive plan.

17  
18 (b) *Commencement of proceedings.* Any five (5) electors of the town  
19 may commence initiative or referendum proceedings by filing with  
20 the town clerk an affidavit stating they will constitute the petitioners  
21 committee and be responsible for circulating the petition and filing it  
22 in proper form, stating their names and addresses and specifying the  
23 address to which all notices to the committee are to be sent, and  
24 setting out in full the proposed initiative ordinance or citing the  
25 ordinance sought [to] be reconsidered.

26  
27 Promptly after the affidavit of the petitioners committee is filed, the town  
28 clerk shall, at the committee's request, issue the appropriate petition blanks  
29 to the petitioners committee at the committee's expense.

30  
31 (c) *Petitions.*

32  
33 (1) *Number of signatures.* Initiative and referendum petitions  
34 must be signed by electors of the town equal in number to at  
35 least fifteen (15) percent of the total number of electors  
36 registered to vote at the last regular town election.

37  
38 (2) *Form and content.* All papers of a petition shall be uniform in  
39 size and style and shall be assembled as one instrument for  
40 filing. Each signature shall be executed in ink or indelible  
41 pencil and shall be followed by the address of the person  
42 signing. Petitions shall contain or have attached thereto  
43 throughout their circulation the full text of the ordinance  
44 proposed or sought to be reconsidered.

- 1 (3) *Affidavit of circulator.* Each paper of a petition shall have  
2 attached to it when filed an affidavit executed by the circulator  
3 thereof stating that ~~he~~ the circulator personally circulated the  
4 paper, the number of signatures thereon, that all the  
5 signatures were affixed in ~~his~~ the circulator's presence, and  
6 that ~~he~~ the circulator believes them to be the genuine  
7 signature of the persons whose names they purport to be and  
8 that each signer had an opportunity before signing to read the  
9 full text of the ordinance proposed or sought to be  
10 reconsidered.  
11
- 12 (3) ~~Time for filing referendum petitions~~ Time for filing referendum  
13 petitions. Referendum petitions must be filed within thirty (30)  
14 days after adoption by the council of the ordinance sought to  
15 be reconsidered.  
16
- 17 (d) *Procedure for filing.*  
18
- 19 (1) *Certificate of clerk; amendment.* Within twenty (20) days after  
20 the initiative or referendum petition is filed the town clerk shall  
21 complete a certificate as to its sufficiency, specify if it is  
22 insufficient, the particulars wherein it is defective and shall  
23 promptly send a copy of the certificate to the petitioners  
24 committee by registered mail. Grounds for insufficiency are  
25 only those specified in subsection (c). If the petitioners  
26 committee does not request council review under subsection  
27 (2) of this section within the time required, the clerk's  
28 certificate shall be a final determination as to the sufficiency  
29 of the petition.  
30
- 31 (2) *Council review.* If a petition has been certified insufficient the  
32 committee may, within two (2) days after receiving the copy of  
33 such certificate, file a request that it be reviewed by the  
34 council. The council shall review the certificate within thirty  
35 (30) days of the filing of such request and approve or  
36 disapprove it, and the council's determination shall then be a  
37 final determination as to the sufficiency of the petition.  
38
- 39 (e) *Referendum petitions.* When a referendum petition is filed with the  
40 town clerk the ordinance sought to be reconsidered shall remain in  
41 effect until:  
42
- 43 (1) The council repeals the ordinance, or;  
44

1 (2) A vote of the town's qualified electors repealing the ordinance  
2 has been certified.

3  
4 (f) *Action on petitions.*

5  
6 (1) *Action by council.* When an initiative or referendum petition  
7 has finally been determined sufficient, the council shall  
8 consider the proposed initiative ordinance or reconsider the  
9 referred ordinance by voting its repeal. If the council fails to  
10 adopt a proposed initiative ordinance without any change in  
11 substance or fails to repeal the referred ordinance within sixty  
12 (60) days, a vote of the town's qualified electors on a  
13 proposed or referred ordinance shall be held.

14  
15 (2) *Submission to voters.* The election shall be held not less than  
16 ninety (90) days and not later than one hundred twenty (120)  
17 days from the date that the petition was determined sufficient.  
18 If no regular town election is scheduled to be held within the  
19 period described in this subsection, the council shall provide  
20 for a special election, within the described period. Copies of  
21 the proposed or referred ordinance shall be made available at  
22 the polls.

23  
24 (3) *Withdrawals of petitions.* An initiative or referendum petition  
25 may be withdrawn at any time prior to the fifteenth day  
26 preceding the day scheduled for a vote of the town by filing  
27 with the town clerk or other official designated by the council  
28 a request for withdrawal signed by at least four members of  
29 the petitioners committee. Upon the filing of such request the  
30 petition shall have no further force or effect and all  
31 proceedings thereon shall be terminated.

32  
33 (g) *Results of election.*

34  
35 (1) *Initiative.* If a majority of the qualified electors voting on a  
36 proposed initiative ordinance vote in its favor, it shall be  
37 considered adopted upon certification of the election results  
38 and shall be treated in all respects in the same manner as  
39 ordinances of the same kind adopted by the council; provided,  
40 however that the council may amend or repeal an ordinance  
41 enacted by initiative only upon the affirmative vote of at least  
42 four (4) councilmembers.

43

1 If conflicting ordinances are approved at the same election,  
2 the one receiving the greatest number of affirmative votes  
3 shall prevail to the extent of such conflict.  
4

5 (2) *Referendum.* If a majority of the qualified electors voting on a  
6 referred ordinance vote against it, it shall be considered  
7 repealed upon certification of the election results.  
8

9 **Section 3.** The amendment to the Town Charter set forth in Section 2 above  
10 shall not take effect unless and until it is submitted to the electors of the Town of Juno  
11 Beach. The amendment shall be submitted at the Town’s general election to be held on  
12 Tuesday, March 19, 2024.  
13

14 **Section 4.** The title of the ballot and explanatory statement setting forth the  
15 substance of the amendment to the Town Charter shall appear on the ballot and shall  
16 read as follows:  
17

18 **AN AMENDMENT TO ARTICLE VI OF THE TOWN CHARTER**  
19 **RELATING TO INITIATIVE AND REFERENDUM PROCEDURES**  
20

21 THIS AMENDMENT AMENDS EXISTING LANGUAGE TO CLARIFY THAT  
22 ANY VOTE ON A REFERENDUM OR INITIATIVE PROCEDURE SHALL  
23 BE SUBMITTED TO A VOTE OF THE TOWN’S QUALIFIED ELECTORS  
24 IN LIEU OF “A VOTE OF THE TOWN” TO MAINTAIN CONSISTENCY  
25 WITH THE REMAINDER OF THE ARTICLE AND REMOVES GENDER-  
26 SPECIFIC PRONOUNS.  
27

28 SHALL THE ABOVE-DESCRIBED AMENDMENT BE ADOPTED?  
29

30 YES \_\_\_\_\_ NO \_\_\_\_\_  
31

32 **Section 5.** The Town Clerk is hereby authorized and directed to advertise the  
33 referendum election contemplated herein in accordance with Section 100.342, Florida  
34 Statutes, and Section 8-6 of the Town Code of Ordinances.  
35

36 **Section 6.** The provisions of this Ordinance shall become and be made part of  
37 the Charter of the Town of Juno Beach, Florida.  
38

39 **Section 7.** If any section, paragraph, sentence, clause, phrase or word of this  
40 Ordinance is for any reason held by a court of competent jurisdiction to be  
41 unconstitutional, inoperative or void, such holding shall not affect the remainder of the  
42 Ordinance.  
43

44 **Section 8.** All ordinances or parts of ordinances of the Town of Juno Beach,  
45 Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of  
46 such conflict.

