

MAR 12 1996

RESOLUTION NO. 96-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
ADOPTING A COLLIER COUNTY CITIZEN PETITION PROCESS
POLICY

WHEREAS, the Board of County Commissioners of Collier County, Florida (the "Board"), is interested in hearing from the citizens of Collier County and wishes to provide a policy/document of centralized information to assist the citizens and facilitate the process by which a number of citizens can bring a matter of substantial County interest to the Board's attention for further consideration or action; and

WHEREAS, the Board has developed, considered and approved a Collier County Citizens Petition Process Policy on March 12, 1996, attached hereto and made a part hereof as Exhibit "A" and approved this Resolution to adopt said policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that the Collier County Citizen Petition Process Policy attached hereto and made a part hereof as Exhibit "A" is hereby approved, adopted and in effect immediately.

This Resolution adopted this 12th day of March, 1996 after motion, second and majority vote favoring same.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]
D.C.

BY: *[Signature]*
JOHN C. NORRIS, Chairman 3/12/96

Approved as to form and
legal sufficiency:

[Signature]
David C. Weigel
County Attorney

dow/twp/petition policy

Page 27-A

MAR 12 1996

COLLIER COUNTY CITIZEN PETITION PROCESS POLICY

The Board of County Commissioners (hereinafter, "Board") is under no statutory obligation to provide a method for citizens to circulate petitions on which they would like the Board to consider action. The Board is interested in hearing from its citizens and has, therefore, created this policy and adopted same pursuant to Resolution No. 96-134 to facilitate the process by which citizens can bring a matter of substantial county interest to the Board's attention for further consideration or action. Nothing in this policy shall be construed as an abrogation of the Board's authority or responsibility.

- A. Designation of County Manager as Filing Office. The County Manager (County Administrator), 3301 Tamiami Trail East, Naples, FL 33962, Administrative Building (8 floors), 2nd Floor, is hereby designated on behalf of the Board of Collier County Commissioners as the official address and location for Collier County residents to initiate petitions to come before the Board of County Commissioners. All materials required to be filed with a citizen petition shall be filed with the County Manager until such time as the Board of County Commissioners determines to place the subject on the ballot. Upon establishment of an election date by the Board of County Commissioners, persons seeking to make expenditures both for or against the citizen petition shall form a political action committee with the Supervisor of Elections in accordance with the provisions of Chapter 106, Florida Statutes.
- B. Collier County Citizen Petition Subjects. Citizens of Collier County may petition their Board of County Commissioners on a variety of subjects. Petition requirements vary and are dependent upon the type of petition to be circulated. This policy pertains to the following subjects:
1. Petitions for creating Road Improvement Districts.
 2. Petitions for creating Drainage Improvement Districts.
 3. Petitions for creating Street Lighting Improvement Districts.
 4. Petitions for creating Beautification Improvement Districts.
 5. Petitions for creating Municipal Services Taxing Units
 6. Petitions for creating Municipal Service Benefit Units
 7. Petitions seeking to place a binding referendum on the ballot.
 8. Petitions seeking to place issues on the ballot for a straw vote.

Page 27-B

MAR 12 1995

However, no petition circulated with respect to any subject for which the Board has no statutory authority to act, or, on county budgets, commission district lines, or any other subject for which the Board is mandated to act pursuant to state or federal law shall be accepted by the Board for its consideration.

- C. Collier County Citizen Petition Process. No special election shall be called solely for the purpose of voting on a citizen petition. Items placed on the ballot as a result of Collier County's citizen petition process shall be placed on the ballot concurrent with another state or county election except that no citizen petition shall be placed on the Second Primary ballot. Other than providing the citizen sponsor with a copy of this policy, county staff shall not participate in the drafting of a citizen petition or preparation of any maps used in conjunction with a citizen petition.
1. Any proposed citizen petition, the purpose of which is to convince the Collier County Commissioners to create a municipal services taxing and/or benefit unit, a road improvement district, or to place a measure on the ballot, shall first be submitted to the County Manager for approval as to format prior to circulation of the proposed citizen petition. Such citizen sponsor's submission shall be in writing, shall be dated, shall clearly state the citizen sponsor's name, and shall include a copy or a facsimile of the form proposed for circulation. The County Manager shall only review the petition for sufficiency of format. The County Manager shall not review the form for legal sufficiency.
 2. Any proposed citizen petition shall be limited to a single subject. This requirement exists in the event the Board subsequently decides to place the matter on the ballot. Ballot questions must be clear and unambiguous so electors can readily respond "yes" or "no" to the question on the ballot. A "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection.
 3. The County Manager shall assign a sequential number to each citizen petition once the submitted format has been deemed sufficient. The sequential number shall be preceded with the last two digits of the calendar year in which the petition was initiated. All copies of the citizen petitions circulated shall contain the sequential number issued by the County Manager as an integral part of the petition. If the petition involves an area which is less than countywide, the petition shall contain the legal description and a map of the affected area as an integral part of the petition to be circulated.

Page 27-C

MAR 12 1996

4. Barring unforeseen events such as hurricanes or other emergency situations, the County Manager has 21 days to determine the number of valid petition signatures required for the petition. The County Manager shall, by certified mail, notify the citizen sponsor of the petition number and, depending upon the type of action sought, the number of valid signatures required for Board consideration. If the purpose of the citizen petition is ballot placement, the citizen sponsor shall be required to form a political action committee with the Supervisor of Elections in conformity with requirements of Chapter 106, Florida Statutes.
5. Proposed citizen petitions to be circulated for signatures will be accepted by the Board only if the format of the petition has been deemed sufficient by the County Manager applying the requirements of this policy.
6. Any change in a previously approved petition form, or additional types of petition forms to be circulated by a previously approved circulator, shall be submitted in accordance with the provisions of this policy. A change to a petition form or an additional type of petition form means: any change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, including changes in punctuation or spelling.
7. Once a citizen petition has been issued its petition number, the sponsor's group has 12 months from the date of the Manager's certified letter of sufficiency, to complete the petition process before the citizen petition becomes invalid for lack of citizen interest.
8. An approved citizen petition shall be invalidated by any one of the following:
 - a. the failure to acquire sufficient signatures for further action within 12 months;
 - b. the Board's adoption of a preemptive ordinance which negates further action by the citizen sponsor;
 - c. the enactment of preemptive state or federal legislation;
 - d. the enactment of state or federal legislation which removes any authority the Board may have over the subject;
 - e. the enactment of state or federal legislation which mandates upon the County an action which would make the petition subject illegal;

Page 27-D

- f. a determination by the County Attorney that the petition seeks an action for which the Board has no statutory authority;
- g. a determination by the County Attorney that the petition addresses a subject prohibited by statute or ordinance (functions which the Board can't delegate); or
- h. a determination by the County Attorney that the petition is legally deficient.

Signatures collected on a defective petition are immediately invalidated and cannot be transferred to subsequent corrected petitions.

9. No changes shall be made to any petition which has been issued a sequential petition number by the County Manager.
10. If a petition's defect may be cured with redrafting, the citizen sponsor must begin the petition process anew -- both in terms of the petition submittal, approval as to format, assignment of sequential numbering and the signature gathering process. Signatures collected on the defective petition cannot be transferred to the corrected petition.
11. If the citizen sponsor decides to redraft a petition for any reason, the sponsor shall notify the County Manager in writing and begin the process anew. The notice to the County Manager shall indicate that all copies of the petition being canceled or recalled have been destroyed by the sponsor. The County Manager shall close out the previously assigned petition number. The redrafted petition shall be issued a new sequential number and shall contain a "Rev. (date)" on the bottom of the form. The revision date is the date on which the County Manager sent the certified letter of sufficiency to the sponsor. If during the process of verifying signatures for the revised petition it is determined that copies of the original or earlier petition were, in fact, circulated by the sponsor and were not destroyed as previously indicated, the entire petition will be invalidated. No new petition may be submitted to the County Manager by the petition's sponsor or a petition submitted on the invalidated petition's subject for a period of 24 months.
12. It is the Collier County citizen petition sponsor's responsibility to:
 - a. Determine the legal requirements for the petition; including conforming to the requirements of this policy;
 - b. Develop the format for the petition;

Page 27-E

- c. Mass produce the petition;
 - d. Circulate the petition for signatures;
 - e. Present signed petitions to the County Manager for further action in a timely manner;
 - f. Pay the fee required for verification of petition signatures. The fee shall be no more than authorized by Florida Statutes. The fee is based upon the total number of petitions submitted, not the number of valid petitions submitted.
13. If the signatures requiring verification are of purportedly locally registered voters, the rules for verification for both constitutional initiative and candidate petitions shall apply.
 14. All signed petition forms pertaining to a citizen petition shall be submitted in the aggregate to the County Manager as one document package. No submission of additional petitions shall be made even if the petition is found to be deficient in the number of valid signatures or property owners required.
 15. The Board shall require petitions containing valid signatures from ten percent (10%) of the potentially affected citizens before directing staff to:
 - a. begin a preliminary investigation of the issue;
 - b. conduct any cost/benefit analysis on the issue; or
 - c. have the County Attorney determine the legal sufficiency of the petition before further petition circulation occurs.

The type of petition determines whether or not the signature requirement is for locally registered voters or property owners and what the total number of valid petition signature requirements shall be.

This policy advises that certain actions that may be requested of the Board, such as the creation or modification of municipal service taxing units or municipal service benefit units or other requested exercise of the Board's powers, duties and authority may be subject to the prerequisites of Section 125.01, Florida Statutes, or other Florida laws and/or Collier County ordinances affecting the numbers and type(s) of individual petitioners required under this policy. Florida laws and County ordinances may be created, amended, superseded or repealed from time-to-time. The fees for verification of registered voter signatures by the Supervisor of Elections shall conform with Section 99.097, Florida Statutes. The fees for verification of property owner signatures by the Property Appraiser shall conform with applicable Florida laws and the Property Appraiser's fee policy.

Page 27-F

MAR 12 1996

16. The County Manager shall forward the submitted petitions to the appropriate office for verification -- the Supervisor of Elections for registered voters or the Property Appraiser for property ownership.
17. Upon receipt of the verification fee and the petition, the verifying agency shall have 45 days in which to complete the work. No verification shall occur until payment has been received from the petition sponsor.
18. Citizen petitions which are countywide in scope shall be submitted to the Manager no less than 180 days prior to the election date on which such petition's ballot question is to appear, except as otherwise required by law.
19. Citizen petitions which are less than countywide in scope shall be submitted to the County Manager no less than 210 days prior to the election date on which such petition's ballot question is to appear, except as otherwise required by law.
20. Upon receipt of the petition's signature certification by the appropriate verifying agency, the County Manager shall schedule said petition on the next regularly available Board public meeting agenda.
21. Ordinances and/or resolutions originating from citizen petitions and containing ballot questions for a countywide vote shall be adopted by the Board no less than 90 days before the election date except as otherwise required by law.
22. Ordinances and/or resolutions originating from citizen petitions and containing ballot questions for a vote which is less than countywide shall be adopted by the Board no less than 120 days before the election date except as otherwise required by law.
23. The Supervisor of Elections shall assign the ballot position number for all ballot questions placed on the ballot by the Board of County Commissioners.
24. A citizen petition which has been defeated at the polls shall not be the subject of another petition effort for 36 months except as otherwise required by law.

Page 27-B

D. Collier County Citizen Petition Form. Each petition submitted by a citizen sponsor must conform to the following requirements before the County Manager may issue a notice of sufficiency:

1. Proposed citizen petitions must be printed on cards or sheets of paper and may be signed by only one person.
2. Proposed citizen petitions to be circulated for signatures must be printed on separate cards or individual sheets of paper. The minimum size shall be 3 inches by 5 inches and the maximum size shall be 8.5 inches by 14 inches.
3. Once the petition has been approved for circulation, the sponsor may reproduce petition forms in newspapers, magazines, and other forms of printed mass media provided the forms are reproduced in the same format authorized by this policy and approved by the County Manager.
4. For any citizen petition which must have signatures verified by the Supervisor of Elections, deemed a political advertisement as defined in §106.011(17), Florida Statutes, must contain the political disclaimer required by §106.143, Florida Statutes.
5. The petition must contain adequate space for the signee's signature, printed name, residence street address, city, state, zip code, precinct number if known by signee, date signed, and signee's date of birth or voter registration number.
6. The top of the petition form shall be clearly and conspicuously entitled: "Collier County Citizen Petition No. ____-____."
7. Line 2 of the petition title shall clearly and conspicuously note: "County Manager's determination of sufficiency on (date)."
8. Each petition form shall contain the following statement at the top of the form underneath the petition title:

To the extent that §104.185, Florida Statutes, applies to this petition, 'It is unlawful for any person to knowingly sign a petition or petitions for a particular issue more than one time. Any person violating the

Page 27-H

MAR 12 1996

provisions of this section shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in §775.082, §775.083, or §775.084.' (§104.185, F.S.)

9. Each petition form seeking to place an issue on the ballot shall contain the following statement:

To the extent that §104.24, Florida Statutes, applies to this petition, 'No registered elector shall, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the elector is registered nor fraudulently use the name of another in voting. Any person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.' (§104.24, F.S.)

10. The petition's title, as it would appear on the ballot, shall be stated in bold print and shall not exceed fifteen (15) words in length.
11. Next, the substance of the ballot question shall be an explanatory statement and shall be stated in clear and concise language to elicit a yes or no vote and shall not exceed seventy-five (75) words in length.
12. Should the text be required to be printed on both sides of the petition, it shall be clearly indicated that the text is continued on the back side or begins on the other side.

Page 27-1