



06-161

FILED
THOMAS D. HALL

2006 FEB -1 A 11:54

CLERK, SUPREME COURT

BY _____

STATE OF FLORIDA

CHARLIE CRIST
ATTORNEY GENERAL

February 1, 2006

The Honorable Barbara J. Pariente
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

COPY

Dear Chief Justice Pariente and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is the responsibility of the Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On January 26, 2006, this office received from the Secretary of State an initiative petition seeking to amend the Florida Constitution to require local governments to put a new comprehensive land-use plan or an amendment to an existing comprehensive land-use plan to a vote by referendum prior to adoption. The full text of the proposed amendment states:

BE IT ENACTED BY THE PEOPLE OF FLORIDA THAT:

Article II, Section 7. Natural resources and scenic beauty of the Florida Constitution is amended to add the following subsection:

Public participation in local government comprehensive land use planning benefits the conservation and protection of Florida's natural resources and scenic beauty, and the long-term quality of life of Floridians. Therefore, before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, such proposed plan or plan amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body as provided by general law, and notice thereof in a local newspaper of general circulation. Notice and referendum will be as provided by general law. This amendment shall become effective immediately upon approval by the electors of Florida.

For purposes of this subsection:

1. "Local government" means a county or municipality.
2. "Local government comprehensive land use plan" means a plan to guide and control future land development in an area under the jurisdiction of a local government.
3. "Local planning agency" means the agency of a local government that is responsible for the preparation of a comprehensive land use plan and plan amendments after public notice and hearings and for making recommendations to the governing body of the local government regarding the adoption or amendment of a comprehensive land use plan.
4. "Governing body" means the board of county commissioners of a county, the commission or council of a municipality, or the chief elected governing body of a county or municipality, however designated.

The ballot title for the proposed amendment is "REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS." The summary for the proposed amendment states:

Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice.
Provides definitions.

SINGLE SUBJECT REQUIREMENT

Article XI, section 3, Florida Constitution, provides in relevant part:

The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.

The single-subject provision "is a rule of restraint designed to insulate Florida's organic law from precipitous and cataclysmic change." *Advisory Opinion to the*

Attorney General--Save Our Everglades, 636 So. 2d 1336, 1339 (Fla. 1994); *Advisory Opinion to the Attorney General--Tax Limitation*, 644 So. 2d 486, 490 (Fla. 1994).

To comply with the single-subject requirement, an initiative must manifest a "logical and natural oneness of purpose." *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984). This Court stated in *Advisory Opinion to the Attorney General--Restricts Laws Related to Discrimination*, 632 So. 2d 1018, 1020 (Fla. 1994), that "[t]o ascertain whether the necessary 'oneness of purpose' exists, we must consider whether the proposal affects separate functions of government and how the proposal affects other provisions of the constitution."

This Honorable Court in *Advisory Opinion to the Attorney General--Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans*, 902 So. 2d 763 (Fla. 2005), considered an initiative petition containing the same language as the current initiative. Although the initiative was struck down for a misleading ballot summary, the Court concluded that the proposed amendment "neither constitutes logrolling nor substantially alters or performs the functions of multiple branches of government," and therefore, the proposed amendment complied with the single-subject requirement of Article XI, section 3 of the Florida Constitution. 902 So. 2d at 769-770.

BALLOT TITLE AND SUMMARY

Section 101.161(1), Florida Statutes, provides in relevant part:

Whenever a constitutional amendment . . . is submitted to the vote of the people, the substance of such amendment . . . shall be printed in clear and unambiguous language on the ballot The wording of the substance of the amendment . . . 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.

This Court has stated "that the ballot [must] be fair and advise the voter sufficiently to enable him intelligently to cast his ballot." *Askew v. Firestone*, 421 So. 2d 151, 155 (Fla. 1982), quoting, *Hill v. Milander*, 72 So. 2d 796, 798 (Fla. 1954). While the ballot title and summary must state in clear and unambiguous language the chief purpose of the measure, they need not explain every detail or ramification of the proposed amendment. *Carroll v. Firestone*, 497 So. 2d 1204, 1206 (Fla. 1986). The ballot, however, must give the voter fair notice of the decision he must make. *Askew v.*

The Honorable Barbara J. Pariente
Page Four

Firestone, supra at 155. This Court has stated that the purpose of section 101.161, Florida Statutes, is to ensure that voters are advised of the amendment's true meaning.

Therefore, I respectfully request this Honorable Court's opinion as to whether the constitutional amendment, proposed by initiative petition, complies with Article XI, section 3, Florida Constitution, and whether the amendment's ballot title and summary comply with section 101.161, Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Crist". The signature is stylized with a large, sweeping initial "C" and a long, horizontal flourish extending to the right.

Charlie Crist
Attorney General

CC/tfl

cc: Ms. Susan M. Cobb
Secretary of State

The Honorable Jeb Bush
Governor, State of Florida

The Honorable Tom Lee
President, Florida Senate

The Honorable Allan G. Bense
Speaker, Florida House of Representatives

Ms. Lesley G. Blackner
Chair, Florida Hometown Democracy, Inc., PAC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery this 1st day of February, 2006, to the following:

Ms. Lesley G. Blackner
Chair, Florida Hometown Democracy, Inc., PAC
Post Office Box 636
New Smyrna Beach, FL 32170-.636

I hereby certify that a true and correct copy of the foregoing has been furnished via interoffice mail delivery this 1st day of February, 2006, to the following:


Ms. Susan M. Cobb, Secretary of State
attn: General Counsel

The Honorable Jeb Bush, Governor, State of Florida
attn: General Counsel

The Honorable Tom Lee, President, Florida Senate
attn: General Counsel

The Honorable Allan G. Bense, Speaker, Florida House of Representatives
attn: General Counsel

Director's Office, Division of Elections


Joslyn Wilson
Assistant Attorney General



FLORIDA DEPARTMENT OF STATE

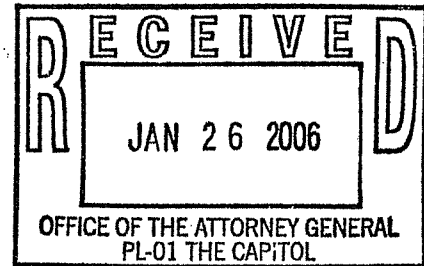
Sue M. Cobb

Secretary of State

DIVISION OF ELECTIONS

January 24, 2006

The Honorable Charlie Crist
Attorney General
State of Florida
PL 01, The Capitol
Tallahassee, Florida 32399-1050



Dear Attorney General Crist:

**Re: Referenda Required for Adoption and Amendment of Local Government
Comprehensive Land Use Plans, Serial Number 05-18**

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit to the Attorney General an initiative petition when a political committee has obtained ten percent of the signatures in one fourth of the Congressional Districts as required by Article XI of the Florida Constitution.

Section 16.061, Florida Statutes, provides that the Attorney General must then petition the Supreme Court for an advisory opinion regarding the compliance of the text of the proposed amendments, ballot titles and substance of the amendments to the State Constitution.

Florida Hometown Democracy Inc., PAC has successfully met the signature requirements for this initiative petition; therefore, I am submitting its proposed constitutional amendment, ballot title and substance of the amendment.

Sincerely,

Sue M. Cobb

Sue M. Cobb
Secretary of State

Enclosures

pc: Lesley Blackner, Chairperson
Florida Hometown Democracy, Inc. PAC

R.A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250 •
(850) 245-6200

CONSTITUTIONAL AMENDMENT PETITION FORM

104.185 – A person who knowingly signs a petition or petitions for a candidate, minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

I am a registered voter of Florida and hereby petition the Secretary of State to place the following amendment to the Florida Constitution on the ballot in the next general election.

I AM REGISTERED TO VOTE IN _____ COUNTY.

NAME _____ STREET ADDRESS _____
Please PRINT Name as it appears on Voter I.D. Card PRINT Current Physical Address (NO PO BOXES)

CITY _____, FL ZIP _____, USA COUNTY _____
(County of residence)

IS THIS A CHANGE OF ADDRESS FOR VOTER REGISTRATION IN SAME COUNTY? Yes No

VOTER REGISTRATION NUMBER _____ -or- DATE OF BIRTH _____
Month Day Year

X _____ DATE _____
SIGNATURE AS IT APPEARS ON VOTER I.D. CARD DATE SIGNED

BALLOT TITLE: REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS.
BALLOT SUMMARY: Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice. Provides definitions.

FULL TEXT OF PROPOSED AMENDMENT:

BE IT ENACTED BY THE PEOPLE OF FLORIDA THAT:

Article II, Section 7. Natural resources and scenic beauty of the Florida Constitution is amended to add the following subsection:

Public participation in local government comprehensive land use planning benefits the conservation and protection of Florida's natural resources and scenic beauty, and the long-term quality of life of Floridians. Therefore, before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, such proposed plan or plan amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body as provided by general law, and notice thereof in a local newspaper of general circulation. Notice and referendum will be as provided by general law. This amendment shall become effective immediately upon approval by the electors of Florida.

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2. "Local government comprehensive land use plan" means a plan to guide and control future land development in an area under the jurisdiction of a local government.
3. "Local planning agency" means the agency of a local government that is responsible for the preparation of a comprehensive land use plan and plan amendments after public notice and hearings and for making recommendations to the governing body of the local government regarding the adoption or amendment of a comprehensive land use plan.
4. "Governing body" means the board of county commissioners of a county, the commission or council of a municipality, or the chief elected governing body of a county or municipality, however designated.

Serial Number: 05-18

Date Approved: 6-21-05

Return to:
Florida Hometown Democracy, Inc.,
P.O. Box 636
New Smyrna Beach, FL 32170-0636
<http://www.FloridaHometownDemocracy.com>

ph/fax:: 386-424-0860 email:info@floridahometowndemocracy.com
PLEASE HELP US! Contributions should be made payable to "Florida Hometown Democracy, Inc."

HAND DELIVERED

SIGNATURES CERTIFIED BY DISTRICT BY COUNTY

Political Committee: **Florida Hometown Democracy, Inc., PAC**

Amendment Title: **REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVE**

FIRST		FOURTH		NINTH		SIXTEENTH	
Escambia	20	Baker	117	Hillsborough	756	Charlotte	384
Holmes	7	Columbia	210	Pasco	2,344	Glades	0
Okaloosa	55	Duval	779	Pinellas	1,429	Hendry	0
Santa Rosa	12	Hamilton	12	Total	4,529	Highlands	447
Walton	16	Jefferson	21	TENTH		Martin	353
Washington	32	Leon	60	Pinellas	5,694	Okeechobee	27
Total	142	Madison	29	Total	5,694	Palm Beach	161
SECOND		Nassau	912	ELEVENTH		St. Lucie	584
Bay	917	Union	11	Total	5,694	Total	1,956
Calhoun	0	Total		TWELFTH		SEVENTEENTH	
Dixie	23	FIFTH		Hillsborough	2,001	Broward	1,863
Franklin	94	Citrus	265	Manatee	0	Miami-Dade	4,154
Gadsden	61	Hernando	1,187	Pinellas	751	Total	6,017
Gulf	43	Lake	86	Total	2,752	EIGHTEENTH	
Jackson	47	Levy	67	THIRTEENTH		Miami-Dade	1,339
Jefferson	23	Marion	3	Hillsborough	478	Monroe	0
Lafayette	0	Pasco	1,457	Osceola	37	Total	1,339
Leon	814	Polk	211	Polk	1,172	NINETEENTH	
Liberty	4	Sumter	31	Total	1,687	Broward	1,442
Okaloosa	12	Total		FOURTEENTH		Palm Beach	1,777
Suwannee	39	SIXTH		Charlotte	6	Total	3,219
Taylor	27	Alachua	289	DeSoto	9	TWENTIETH	
Wakulla	109	Bradford	9	Hardee	0	Broward	4,797
Walton	13	Clay	166	Manatee	0	Miami-Dade	190
Total	2,226	Duval	198	Sarasota	224	Total	4,987
THIRD		Gilchrist	35	Total	239	TWENTY-FIRST	
Alachua	84	Lake	9	FIFTEENTH		Broward	1,453
Clay	23	Levy	9	Brevard	0	Palm Beach	985
Duval	1,870	Marion	80	Indian River	135	Total	2,438
Lake	15	Total		Osceola	956	TWENTY-SECOND	
Marion	9	SEVENTH		Polk	16	Total	
Orange	758	Flagler	78	Total	1,107		
Putnam	16	Orange	25				
Seminole	171	Putnam	19				
Volusia	36	Seminole	478				
Total	2,982	St. Johns	370				
		Volusia	1,317				
		Total	2,287				
		EIGHTH					
		Lake	25				
		Marion	156				
		Orange	1,394				
		Osceola	5				
		Total	1,580				

SIGNATURES CERTIFIED BY DISTRICT BY COUNTY

Political Committee: **Florida Hometown Democracy, Inc., PAC**

Amendment Title: **REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVE**

TWENTY-THIRD	
Broward	5,233
Hendry	0
Martin	4
Palm Beach	658
St. Lucie	187
Total	6,082

TWENTY-FOURTH	
Brevard	0
Orange	499
Seminole	307
Volusia	536
Total	1,342

TWENTY-FIFTH	
Collier	31
Miami-Dade	1,448
Monroe	0
Total	1,479

GRAND TOTAL	65,630
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FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SUMMARY OF PETITION SIGNATURES

Political Committee: **Florida Hometown Democracy, Inc., PAC**

Amendment Title: **REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVE**

Congressional District	Voting Electors in 2004 Presidential Election	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	For Review 10% Required By Section 15.21 Florida Statutes	Signatures Certified
FIRST	323,809	25,905	2,591	142
SECOND	337,536	27,003	2,701	2,226
THIRD	241,271	19,302	1,931	2,982
FOURTH	329,748	26,380	2,638	2,151
FIFTH	383,141	30,652	3,066	3,307
SIXTH	347,760	27,821	2,782	795
SEVENTH	361,882	28,951	2,896	2,287
EIGHTH	304,537	24,363	2,437	1,580
NINTH	347,542	27,804	2,781	4,529
TENTH	317,427	25,395	2,540	5,694
ELEVENTH	252,583	20,207	2,021	2,752
TWELFTH	288,747	23,100	2,310	1,687
THIRTEENTH	361,836	28,947	2,895	239
FOURTEENTH	362,767	29,022	2,903	2,751
FIFTEENTH	342,514	27,402	2,741	1,107
SIXTEENTH	336,559	26,925	2,693	1,956
SEVENTEENTH	217,008	17,361	1,737	6,017
EIGHTEENTH	237,720	19,018	1,902	1,339
NINETEENTH	329,334	26,347	2,635	3,219
TWENTIETH	291,803	23,345	2,335	4,987
TWENTY-FIRST	225,717	18,058	1,806	2,542
TWENTY-SECOND	327,279	26,183	2,619	2,438
TWENTY-THIRD	207,836	16,627	1,663	6,082
TWENTY-FOURTH	341,058	27,285	2,729	1,342
TWENTY-FIFTH	220,073	17,606	1,761	1,479
TOTAL:	7,637,487	611,009	61,113	65,630



FILE COPY

Jeb Bush
Governor

STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Glenda E. Hood
Secretary of State

June 21, 2005

Lesley G. Blackner, Chairman
Florida Hometown Democracy, Inc. PAC
Post Office Box 636
New Smyrna Beach, Florida 32170

**Re: Referenda Required for Adoption and Amendment of Local Government
Comprehensive Land Use Plans, Serial Number 05-18**

Dear Ms. Blackner:

This office is in receipt of the petition form, ballot title, and ballot summary for the following proposed initiative amendment, Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans, Serial Number 05-18.

The Division of Elections approves this format which you submitted for the above referenced initiative and a copy is attached for your files. According to Florida Administrative Code Rule 1S-2.009(12), the Division of Elections shall assign serial numbers to approved petitions. Your petition's serial number is noted above.

No review of the legal sufficiency of the text of this proposed amendment has been nor will be undertaken by the Division of Elections.

Please let me know if I can assist you further.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Roberts".

Dawn K. Roberts, Esq.
Director

Enclosure

cc: Supervisors of Elections w/copy of petition