



Memo

Date: April 14, 2020

To: Members of the Citizen-Initiated Charter and Ordinance Amendment Process

From: Patrick Brackins

CC: charter2020@occompt.com

Re: What are the precise deadlines for the principals involved in the 180-day process?

1. There is no deadline for the sponsor to present the Supervisor of Elections (“SOE”) with the proposed petition. After registering “as a political committee as required by general law,” but before obtaining any signatures, the sponsor must submit the text to the SOE and the form where signatures will be placed for approval by the SOE. Sec. 602(A).

2. The SOE has fifteen (15) days after the sponsor submits the petition and signature form to “render a determination on the form on which signatures will be affixed.” The date the SOE approves the form on which signatures will be submitted is the date the 180-day period begins to run. Sec. 602(A).

3. Once approved, the sponsor must submit all signed petitions during the month in which they were received to the SOE for signature verification no later than the fifth day of the following month. Sec. 602(D).

4. There is no deadline, other than the 180-day deadline, for the sponsor to reach the 1% threshold. If the sponsor doesn’t meet all criteria within the 180-day deadline, then

the petition is null and void. However, the SOE is required to “post a running tally of the number of signatures verified for each initiative petition on the SOE’s website for public view.” Each month when signatures are submitted, the SOE “shall verify the validity of the signatures for each petition submitted within 30-days after submittal to the SOE.” Thus, there is natural delay where the sponsor submits signatures gathered during the month and then the SOE has 30-days to verify those signatures while keeping a running tally on the SOE’s website.

5. There is no deadline, other than the 30-day deadline to verify signatures, for the SOE to notify the County Commission, the Comptroller, and Legal Review Panel that the sponsor has reached the one (1%) percent threshold. Sec. 602(E).

6. The Legal Review Panel must render a legal determination within twenty (20) days. After receiving notice of the 1% threshold by the SOE, the Legal Review Panel has twenty days to render a decision as to “whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter.” If the Legal Review Panel finds the proposal is inconsistent or embraces more than one subject, it must render a written opinion and notify the board, the SOE and the sponsor. The petition then terminates. If the Legal Review Panel finds the proposal is consistent and embraces only one subject, then it issues a written opinion and notifies the board, the SOE and the sponsor. Sec. 602(E)(1)-(2).

7. The Comptroller has twenty (20) days to prepare a financial impact statement after being notified by the SOE that the sponsor has reached the 1% threshold. The financial

impact statement may not exceed seventy-five (75) words and must be transmitted to the board, the SOE and the sponsor. Sec. 602(E)(3).

8. The Twenty (20) day deadlines for the Legal Review Panel and the Comptroller run concurrently. Sec. 602(E)(1)-(3).

9. Once the sponsor receives the financial impact statement, the sponsor is required to prepare and submit to the SOE for review and approval a revised petition form containing the financial impact statement. Sec. 602(E)(3).

10. The SOE has fifteen days after the revised petition is submitted to render a determination on the form of the revised petition. Sec. 602(E)(3). This determination is limited to the sufficiency of the form of the revised petition similar to the sufficiency review performed by the SOE in paragraph 2 above.¹

11. The Board of County Commissioners has sixty (60) days from the date it received notice of the Legal Review Panel’s determination to hold a public hearing on the petition, at which the sponsor, the Board, and the public may comment on the petition. Sec. 602(E)(4).

A shorthand version of the timeline and deadlines is as follows:

1. Sponsor submits original proposed petition and signature form to SOE;
2. SOE has 15 days from the date of submittal to approve the form;

¹ “No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3.” Sec. 601(A). This provision is significant because it means that the sponsor cannot simply continue to gather signatures on the original petition forms while the review is undertaken but must wait until the new form is approved, thus wasting valuable time in the signature collection process.

3. 180-day period begins on the date the SOE approves the form of the original petition;
4. Petitioner then gathers signatures until 1% threshold is met;
5. Each month the sponsor must submit signatures to SOE for verification and SOE has 30 days to verify signatures. This 30-days is not directly connected to or contingent upon the other deadlines;
6. Once SOE determines the 1% threshold is met it notifies the Board, the Legal Review Panel, and the Comptroller;
7. Other than the thirty (30) days deadline the SOE has each month to verify signatures, there is no independent deadline stating how much time the SOE has to notify the Board, the Legal Review Panel and the Comptroller that the 1% threshold has been met;
8. Legal Review Panel has twenty (20) days to render a decision after receiving notice of the 1% threshold from the SOE;
9. The Comptroller has twenty (20) days to render a financial impact statement after receiving notice of the 1% threshold from the SOE;
10. Once the sponsor receives the financial impact statement it is required to submit a revised petition to the SOE. (No deadline for sponsor);
11. Once the SOE receives the revised petition it has fifteen (15) days to determine whether the revised form is valid. 75% of all required petition signatures must be on the revised petition;
12. The Board has sixty (60) days from the date it is notified by the Legal Review Panel that the petition is consistent and embraces but one subject to hold a public hearing where the sponsor, the Board and the public may be heard; and

13. The SOE continues to verify signatures until the sponsor reaches the required 10% threshold or withdraws the petition; or if the Legal Review Panel renders a negative determination the petition terminates.