

Pinellas County Charter Dual Vote 2006 Election

ITEM IX. A.

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. **However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee.** Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

(Laws of Fla. ch. 99-451, § 1)

2006 CRC tried to remove the bold underlined section by placing the following question before the voters:

BALLOT TITLE: AMENDS CHARTER TO DELETE DUAL VOTE REQUIREMENTS FOR AMENDMENTS TRANSFERRING SERVICES OR REGULATORY AUTHORITY.

BALLOT QUESTION: Shall Section 6.04 of the Charter be amended to delete the provision requiring the affirmative vote of the electors of a transferring and receiving jurisdiction concerning amendments affecting any change or transfer in function, service, power, or regulatory authority of the county, a municipality, or a special district so that the charter will follow policies and procedures as contained in the Florida Constitution?

56.9% of Pinellas residents rejected the removal of the Dual Vote provision, preserving the opt out right of municipal voters.

Palm Beach Dual Vote provision on Nov 2008 Ballot

Sec. 6.3 Home Rule Charter Amendments

Amendments to this Home Rule Charter may be proposed by the Board of County Commissioners by an affirmative vote of at least four (4) members, ~~subject to approval by the voters of Palm Beach County in a referendum.~~ The Home Rule Charter amendment may also be initiated by seven (7) percent of the number of voters qualified to vote in the last general election, and the initiated amendment shall be presented and verified in the manner and time set forth in Article V, Section 5.1. The Home Rule Charter amendment ~~so initiated~~ shall be placed on the ballot on the first Tuesday after the first Monday in November of any year or in connection with a presidential preference primary occurring at least thirty (30) days after verification. Amendments to this Home Rule Charter must be approved by a majority of the voters of Palm Beach County voting in a referendum. Approved charter amendments that transfer or limit a service, function, power or authority of a municipality shall be effective in a municipality only if the amendment is also approved by a majority of voters in that municipality voting in the referendum. If approved ~~by a majority of those who voted,~~ the Home Rule Charter amendment shall become effective on the date specified in the amendment or, if not so specified, on January 1 following the election. Each amendment to this Home Rule Charter shall be limited to a single and independent subject.

The Charter change removed struck through sections, added underlined sections. The following question was put before the voters in November 2008:

BALLOT LANGUAGE

REQUIRE BOTH COUNTY AND MUNICIPAL APPROVAL OF
CHARTER AMENDMENTS AFFECTING MUNICIPAL POWER OR
FUNCTION

Shall the Palm Beach County Charter be amended to have charter amendments that are approved by a majority of Palm Beach County voters take effect in a municipality only if the amendment is also approved by a majority of voters in that municipality, when the proposed amendment transfers or limits a municipal service, function, power or authority?

The Amendment passed with 73.82% approval giving municipal voters in Palm Beach County the opt-out provision.