

Bond Case Briefs

Municipal Finance Law Since 1971

CITY CHARTER AMENDMENT - FLORIDA

City of Naples v. Ethics Naples, Inc.

District Court of Appeal of Florida, Second District - February 21, 2020 - So.3d - 2020 WL 854895

City filed a declaratory judgment action against sponsor of citizens' initiative to amend city charter to create an independent ethics commission responsible for amending the city's ethics code, challenging the proposed amendment as unconstitutional.

Sponsor counterclaimed for writ of mandamus, and both moved for judgment on the pleadings. The Circuit Court entered judgment in favor of sponsor. City appealed.

The District Court of Appeal held that:

- City's failure to challenge proposal in its entirety was fatal to city's pre-election challenge against the constitutionality of the proposal to amend city charter, and
- Ballot title and summary for proposed amendment fairly and accurately informed voters of the chief purposes of the amendment and were not misleading to the public.

City's failure to challenge, in its entirety, citizen initiative's proposal to amend city charter to create an independent ethics commission responsible for amending city's ethics code was fatal to city's pre-election challenge to the constitutionality of the proposal to amend the city charter, and thus measure would be placed on ballot, although city had challenged the mechanism for appointing members to the ethics commission; city had not challenged the first subsection which would create the independent ethics commission, the provisions setting forth the ethics commission's authority and responsibilities and the minimum requirements of the ethics code, or the provision establishing an office of ethics and governmental integrity that would report to the ethics commission.

Ballot title and summary for citizen initiative's proposed amendment to city charter to create an independent ethics commission, set minimum requirements for the ethics code, and establish an ethics office, fairly and accurately informed voters of the chief purposes of the amendment, as required by statute, and were not misleading to the public, although mandatory language in one section did appear incongruous with advisory function of the commission in the rest of the proposal; ethics commission was specifically described as independent, commission's authority over ethics code was described as setting minimum requirements rather than creating an entirely new ethics code, and language used in summary and title aligned with full text of the proposed amendment.