

CHARTER AMENDMENT PETITION FORM

Note

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first-degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your address: _____

City _____ Zip _____ County _____

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number _____ or Date of Birth _____

I am a registered elector of Florida, eligible to vote in the City of Naples municipal elections, and hereby petition to place the following proposed amendment to the City of Naples Municipal Charter on the ballot in the general election:

BALLOT TITLE: Referendum amending charter, establishing an ethics commission, ethics office, and minimum requirements for ethics code.

BALLOT SUMMARY: Shall the Charter of the City of Naples be amended to establish an independent ethics commission, set minimum requirements for the ethics code, and establish an ethics office?

ARTICLE AND SECTION BEING CREATED OR AMENDED: Add new Article 17, Sections 17.1–17.4

FULL TEXT OF THE PROPOSED CHARTER AMENDMENT:

ARTICLE 17 – ETHICS CODE AND ADMINISTRATION

Section 17.1. – COMMISSION ON ETHICS AND GOVERNMENT INTEGRITY

- (1) There is hereby created an independent Commission on Ethics and Governmental Integrity (“Ethics Commission”) whose members shall be electors of the City of Naples at the time of appointment and throughout their term, and none of whom may be an officer or employee of the City of Naples.
- (2) The Ethics Commission shall have five volunteer members who shall be appointed as follows:
 - (a) One appointed by the State Attorney for the Twentieth Judicial District;
 - (b) One appointed by the Public Defender for the Twentieth Judicial District;
 - (c) One appointed by the Collier County Sheriff;
 - (d) One appointed by the City of Naples representative on the Board of County Commissioners of Collier County; and
 - (e) One appointed by the City Council.
 - (f) Should an appointing authority listed above in (2)(a)–(e) be unable or unwilling to make an appointment, the authority for that appointment shall be assigned in the following order to: (i) the Chief Judge for the Twentieth Judicial District or his or her judicial designee; (ii) the Collier County Clerk of the Circuit Court; or (iii) the Collier County Bar Association. An appointing authority may have only one appointee on the Commission at the same time.
- (3) Appointments to the Ethics Commission shall be made within ninety days of this amendment’s approval, or any subsequent vacancy. Any vacancy of greater than ninety days may be filled for the remainder of that term by the appointing authority.
- (4) The appointing authority may remove a commissioner for reasons of incapacity or gross negligence.
- (5) Ethics Commission terms shall be four years, except that two of the initial appointments, (2)(d) and (2)(e) above, shall be for two years to allow the staggering of appointments thereafter.
- (6) The Ethics Commission shall have the following authority and responsibilities:
 - (a) Develop and draft an amended Ethics Code;
 - (b) Advise the City Council in all ethical matters and recommend proposed ordinances, resolutions, or charter amendments to the City Council;
 - (c) Adopt its own bylaws and due process procedures consistent with the laws of the State of Florida;
 - (d) Provide training in state and local ethics of all persons covered by the Ethics Code;

- (e) The Ethics Commission is authorized to:
 - (i) Receive complaints alleging ethical violations or violations of law, investigate complaints on its own initiative, subpoena witnesses, administer oaths, audit records, take evidence, and compel disclosure;
 - (ii) Refer ethical violations or violations of law to appropriate enforcement agencies;
 - (iii) Prepare and issue reports to the City Council and the public relating to any ethical violations or violations of law;
 - (iv) Levy penalties, including financial penalties, censure, and recommend removal from office or position;
 - (v) Register and regulate the activities of lobbyists;
 - (vi) Employ staff and hire consultants to assist in the performance of its responsibilities; and
 - (vii) Direct the Office of Ethics and Governmental Integrity in the execution of its authority and responsibility.
- (7) The City Council shall provide adequate funding for the Ethics Commission to fulfill its responsibilities.

Section 17.2. – AMENDMENT OF THE ETHICS CODE

- (1) Within 180 days of its formation, the Ethics Commission shall draft an amended Ethics Code, and may propose further amendments as needed.
- (2) Any proposed amendment to the Ethics Code by the Ethics Commission, including the initial amendment required above in (1), shall be presented to the City Council. The amendment shall become law as of that City Council meeting unless five or more members vote against it.

Section 17.3. – MINIMUM REQUIREMENTS OF THE ETHICS CODE

- (1) Definitions:
 - (a) Covered Persons: officers and employees of the City of Naples, whether elected or appointed; the members, officers and employees of any boards, commissions, or committees appointed by the City of Naples; and third parties engaged in providing contract services either to or for the City of Naples; all such persons being Covered Persons whether paid or unpaid.
 - (b) Lobbyists: any person who receives payment for the purpose of influencing or attempting to influence legislative action or non-action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the City of Naples.
- (2) The Ethics Code shall consist of a body of regulations governing the ethical conduct requirements for Covered Persons and Lobbyists.
- (3) The Ethics Code shall contain procedures for matters before the Ethics Commission.

Section 17.4. – OFFICE OF ETHICS AND GOVERNMENT INTEGRITY

- (1) There is hereby established an Office of Ethics and Governmental Integrity (“Ethics Office”) under the exclusive jurisdiction of, and reporting solely to, the Ethics Commission to discharge the duties and responsibilities stipulated by this section and the Ethics Code.
- (2) The Ethics Commission shall appoint an executive director and other staff necessary to administer the Ethics Office.
- (3) The Ethics Commission shall establish policies and procedures governing the Ethics Office, including at least the following:
 - (a) Personnel practices consistent with those of the City of Naples;
 - (b) Methods for filing complaints;
 - (c) Record keeping and confidentiality requirements;
 - (d) Annual budgeting and financial reporting;
 - (e) Training, advisory and compliance programs regarding ethics for Covered Persons;
 - (f) Lobbyist registration, reporting and regulation;
 - (g) Investigations, hearings and decisions; and
 - (h) Regular review and reporting of the activities of the Ethics Office.
- (4) The Ethics Commission may initiate investigations or consider complaints of alleged violations occurring within the previous five years, unless a person, by fraud or other device, impedes discovery of the violation.
- (5) The City Council shall provide adequate funding for the Ethics Office to fulfill its responsibilities.

X

DATE OF SIGNATURE

SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by Ethics Naples, Inc., P.O. Box 7249, Naples, FL 34101

If paid petition circulator is used:

Circulator’s name _____

Circulator’s address _____

For Official Use Only:
Serial Number: _____
Date Approved: _____