

RESOLUTION NO. 95-67

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA, REQUESTING THE PASSAGE OF
APPROPRIATE LEGISLATION TO RESTORE
AND REOPEN COMMUNICATION CHANNELS
BETWEEN ELECTED OFFICIALS AND THEIR
CONSTITUENTS**

WHEREAS, recent Court decisions have resulted in the potential for communications between elected public officials and their constituents being chilled as to important community matters, including many types of land use decisions and similar quasi-judicial matters; and

WHEREAS, these decisions impact written, telephonic and personal contacts between elected public officials and their constituents; and

WHEREAS, Article I, Section 5, of the Constitution of the State of Florida, provides that "the people shall have the right...to instruct their representatives and to petition for redress of grievances" (emphasis added) and the United States Constitution provides for protection of each citizen's right to speak to and petition their government; and

WHEREAS, elected officials may become timid in their responsiveness to their constituents by reason of the potential legal entanglements which may result from controversial ex parte communications; and

WHEREAS, the passage of appropriate legislation may serve as a mechanism to restore and reopen communication channels between elected officials and their constituents by establishing procedures and regulations providing for the free and full access of each citizen to his or her local elected official when making land use decisions and other quasi-judicial decisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, at their regular meeting of February 21, 1995, as follows:

1. The St. Johns County Legislative Delection is urged to study the recent decisions of Florida's Courts such as Jennings vs. Dade County, and support passage of the joint resolution, described in Attachment "A" and

attached hereto, proposing an amendment to the State Constitution which, upon approval by the voters, would protect communication channels between elected officials and their constituents by insuring that citizens may freely and openly instruct and petition their elected local officials.


2. A copy of this Resolution shall be provided to each member of the St. Johns County Legislative Delegation, to each City Council in St. Johns County, to each County Commission in the State of Florida, to the Florida Association of Counties and the Florida League of Cities, by the Clerk of the Board and the contents of this Resolution shall be otherwise widely distributed to the public.

PASSED AND ADOPTED this 11th day of April, 1995 by the Board of County Commissioners of St. Johns County, Florida.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**


CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

By: 
Deputy Clerk



ATTACHMENT "A"

JOINT RESOLUTION NO. _____
A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 5,
OF THE STATE CONSTITUTION, RELATING TO THE RIGHT OF CITIZENS TO
ASSEMBLE AND INSTRUCT THEIR REPRESENTATIVES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the amendment to Section 5 of Article I, of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November, 1996:

**SECTION 5. RIGHT TO ASSEMBLE AND INSTRUCT
REPRESENTATIVES.**

The people shall have the right to peaceably assemble, to instruct their representatives, and to petition for redress of grievances. The right to instruct representatives shall include, but not be limited to, the right of the people to contact and instruct their local government public officials without being constrained with regard to ex parte communication considerations; provided, however, that this provision shall not eliminate any provision of law now in effect or which becomes effective in the future relative to ethics in government.

BE IT FURTHER RESOLVED that in accordance with the requirements of Section 101.162, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

**EX PARTE COMMUNICATION WITH LOCAL GOVERNMENT
OFFICIALS.**

Proposing an amendment to Section 5 of Article I of the State Constitution providing for authorizing ex parte communications between citizens and their local government officials.

Ex parte communications with local government officials. Proposing to amend the State Constitution by adding a provision to Section 5 of Article I authorizing citizens to contact their local government officials and engage in ex parte communications provided that such communications do not violate a provision of State law relating to ethics in government.