

IN THE SUPREME COURT  
STATE OF FLORIDA

IN RE: ADVISORY OPINION  
TO THE ATTORNEY GENERAL  
RE: REFERENDA REQUIRED FOR  
ADOPTION AND AMENDMENT OF  
LOCAL GOVERNMENT COMPREHENSIVE  
LAND USE PLANS

Case No. SC06-161

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SPONSOR'S RESPONSE IN OPPOSITION TO  
MOTION FOR EXTENSION OF TIME AND  
MOTION TO TOLL TIME

Florida Hometown Democracy, Inc., sponsor of the citizen's initiative at issue in this case, pursuant to Rule 9.300(a), Florida Rules of Appellate Procedure, responds in opposition to the Florida League of Cities, Inc. ("League") and Florida Association of Counties, Inc. ("Association") Motion for Extension of Time and Motion to Toll Time, and states:

1. Although the Court issued its briefing and oral argument scheduling order on February 2, 2006, interested parties have been on notice that this matter was going to be considered for considerably longer. The citizen's initiative was filed with the Secretary of State on June 21, 2005. Accordingly, the League and the Association have had several months to evaluate the legal sufficiency of the ballot title, summary and text. The Secretary of State

determined on January 23, 2006, that a sufficient number of verified petitions had been filed to trigger notification to the Attorney General.

2. The League and the Association did not promptly file the Motions, and waited until three days before the Initial Briefs were due to file the Motions.

3. The League and the Association participated as interested parties in the Advisory Op. to Att'y Gen re Referenda Required for Adoption And Amendment of Local Government Comprehensive Land Use Plans, 902 So.2d 763 (Fla. 2005). The only difference between the ballot title, summary and text of the citizen's initiative at issue in this case, and those considered in the 2005 proceedings is that the first sentence of the ballot summary has been deleted.

4. Florida Hometown Democracy, Inc. is a Plaintiff in pending Circuit Court proceedings to have Article XI, Section 5(b) of the Florida Constitution, as amended in the 2004 General Election, declared unconstitutional. Florida Hometown Democracy, Inc. et al. v. Mann, Case No. 2004-CA-2571 (Second Judicial Circuit, Leon County). The case filings are posted on the "high profile cases" section of the Circuit Court Clerk's website. If the Circuit Court grants relief, then the "February 1, 2006" deadline will

instead be the deadline of just over ninety-days prior to the 2006 general election.

5. Florida Hometown Democracy, Inc. asserts that expeditious determination of the legal sufficiency of the ballot title, summary, and text is central to the ability to successfully obtain signatures of registered voters, to obtain financial contributions, to obtain Supervisors of Elections' verification of signed petitions, and to obtain ballot certification. While the requested fourteen-day extension of time may not seem prejudicial to the League and to the Association, the requested extension is potentially fatal to the Sponsor's 2006 ballot eligibility, and is certainly detrimental to the Sponsor's ability to pursue its initiative.

6. The only justification for the requested extension of time is due to the "workload of the undersigned." In view of the prior Advisory Opinion proceedings, the minimal changes in the proposed citizen's initiative, and the delay in filing the Motions, the Sponsor respectfully requests that the Motions be denied.

WHEREFORE, the Sponsor respectfully requests that the Motions be denied.

Respectfully submitted,

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Ross Stafford Burnaman  
Attorney at Law  
Fla. Bar No. 397784  
1018 Holland Drive  
Tallahassee, Florida 32301  
(850) 942-1474  
Counsel for the Sponsor

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand delivery to the following persons this 17th day of February, 2006:

Honorable Charles J. Crist, Jr.  
Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

Virginia Sanunders Delegal  
Florida Association of Counties, Inc.  
100 South Monroe Street  
Tallahassee, Florida 32301

Harry Morrison, Jr.  
Rebecca A. O'Hara  
Florida League of Cities, Inc.  
P.O. Box 1757  
Tallahassee, Florida 32302

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Ross Stafford Burnaman  
Attorney at Law  
Fla. Bar No. 397784  
1018 Holland Drive  
Tallahassee, Florida 32301  
(850) 942-1474  
Counsel for the Sponsor