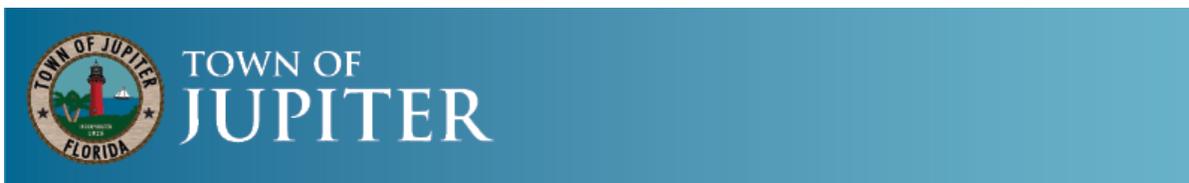


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Political Action Committee Files Suit Against the Town of Jupiter

This week, the political action committee (PAC) reportedly managed and funded by the union that represents Palm Beach County Firefighters (IAFF Local 2928) filed a lawsuit against the Town to attempt to force a referendum on the March, 2024 ballot. The lawsuit was initiated by parties outside of Jupiter, filed by a law firm located in Tampa representing a PAC whose registered agent and treasurer is located in Gainesville, called "Jupiter Residents to KEEP Palm Beach County Firefighters." The PAC's proposed referendum would modify the Town's charter to mandate that PBCFR provide fire rescue services to the Town in perpetuity, and would also eliminate the Town Council's ability to locally-control the costs and make-up of the Town's departments and services in the future, such as the ability to have its own Police Department.

In October, petitions to place a referendum on an upcoming ballot, collected by the PAC, were submitted to the Palm Beach County Supervisor of Elections Office (SOE) for verification. The approach used by the PAC to gain signatures was aggressive, hiring untrained "volunteers" who often used false and misleading information to persuade residents to sign. According to the SOE, about 10,000 petitions were submitted, including approximately 5,000 petitions with signatures that were not verified as from Jupiter registered voters, and 5,560 signatures that could be certified as coming from registered voters in Jupiter.

KEY FACTS:

Political Action Committee Sues Town:

A PAC funded by the union representing Palm Beach County firefighters has sued the Town to force a referendum on the March, 2023 ballot.

External Parties Attempting to Prevent Local Control:

The suit was filed by a lawyer in Tampa, on behalf of the PAC, whose registered agent and treasurer is from Gainesville. These outside entities claim to be working on behalf of Jupiter residents.

SOE Rejects Approximately 5,000 Signatures:

The PAC submitted approximately 10,000 signed petitions to the Supervisor of Elections. About 5,500 signatures could be verified as registered Jupiter voters; about 5,000 were not verified.

Referendum Process Fails: In order to make the March, 2024 ballot, the PAC needed 10% of registered voters to sign a petition containing legally sufficient ballot language. While they achieved the 10%, they did not achieve legal sufficiency. If they revise their proposed language, new signatures would have to be gathered.

In the certification letter, Wendy Sartory Link, the Supervisor of Elections, was careful to point out that, "I am only certifying that the signatures match the signatures we have on file and that the electors reside within the municipal limits. I am not certifying the validity or legal sufficiency of the petitions."

In order for a group of residents to place a referendum on the ballot, they must have 10% of the registered voters within the municipality provide signatures on a petition containing a referendum question that is legally sufficient. The SOE provides the signature verification, and the local elected officials decide, based on advice from their legal counsel, whether or not to provide the referendum to the SOE's office for inclusion on the ballot for the next upcoming general election. In Jupiter's case, while 10% of the signatures were verified by the SOE, the referendum language associated with those signatures was not deemed legally sufficient (see the Town Attorney's statement below) and the Council, based on the Town Attorney's review, did not submit the language to the SOE for inclusion on the ballot. In addition, March, 2024 is not a general election in the Town, since no Town Council seat terms expire until March, 2025.

STATEMENT FROM THE TOWN ATTORNEY

"The Political Committee's proposed referendum question is misleading and confusing because it fails to adequately advise voters of the proposal's purpose. The proposed charter amendment prepared by the Tampa lawyer for the Political Committee is defective and unlawful for multiple reasons. Since the Political Committee has elected to have its Tampa lawyer file a lawsuit against the town which has no merit; and because it is absurd to believe that a municipality could be prohibited from creating its own fire or police department to serve its citizens, I will recommend the filing of an action for declaratory and injunctive relief. This action will conclusively demonstrate the illegality of the proposed amendment of the town's charter. "

Despite the above, members and supporters of the PAC, many of whom are non-residents, are urging the Town Council to include the legally-insufficient question on their petition as a referendum on the March, 2024 ballot. Others are suggesting that the language be modified and then included on the ballot. Different referendum language, however, would require that the signature process start again.

The Town is in the implementation phase of creating the JFRD. Fire engines and ambulances have been purchased and the process of hiring the first fire chief is underway. On October 1, 2026, JFRD will be in-service, ready to provide service at or above current levels.

Please feel free to let the Council know of your support by emailing towncouncil@jupiter.fl.us. For more information on the formation of the JFRD, please visit www.jupiter.fl.us/fireescue, where you'll find links to documents and presentations on the formation of JFRD, as well as frequently asked questions and plans for the future. Additionally, Town Council meetings occur every first and third Tuesday of the month, and may be watched live at www.jupiter.fl.us/live. Agendas may be viewed at www.jupiter.fl.us/agendas.



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