

unreasonably interfere with recreation or business values in the City. The statement connotes that it is expected to have some unnatural substances in the water as long as it is not in quantities harmful or potentially harmful. This is consistent with the Federal Safe Drinking Water Act (42 U.S.C.) and other environmental regulations in the Florida Environmental Protection Act (Chapter 412, F.S) as well as environmental control as codified in Chapter 403, Florida Statutes. The Act provides procedures for a citizen applying for injunctive relief and protects both the agency sued and the citizen's rights. The Amendment is compatible with the Statutes and specifically states that if it is in violation of any superior State or Federal Law, that it is severable, i.e. the State or Federal Law prevails.

The claims of Defendant that Section 403.412(9)(a) violates the U.S. Constitution and the Florida Constitution are without merit and will not be discussed.

In *Shulmister v. City of Pompano Beach*, 798 So. 2d 799 (Fla. 4th DCA 2001) the Court held that because Section 101.161(1), requires the governing body to place the proposed amendment on the ballot, it is that body's responsibility to provide a ballot summary in compliance with Section 101.161(1). See also *City of Riviera Beach v. Riviera Beach Citizens Task Force*, 87 So. 3d 18 (Fla.4th DCA 2012) in which the City had the ministerial duty to provide a ballot summary and did not do so. The Court said that the city cannot complain that its own failure to perform it's duty can prevent the citizens from voting on the charter amendment proposal.

The adoption of the proposed Amendment approved by a majority vote of the voters in Titusville, leaves only a ministerial duty to certify the Amendment. Section 166.031(1) reserves to the people the right to amend the City's Charter without the approval of and even in the fact of vehement objection from the governing body. See *City of Cocoa Beach v. Vacation Beach, Inc.*, 852 So. 2d 358 (Fla. 5th DCA 2003)

6. RESERVATION JURISDICTION:

The Court reserves jurisdiction to award costs and attorney's fees if authorized and for all legal purposes, including but not limited to entering orders of