

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
GENERAL CIVIL DIVISION**

JAMES E. SHIRK,
Plaintiff,

Case No.: 08-15176

Vs.

Division: "J"

**BUDDY JOHNSON, Supervisor
Of Elections, Hillsborough County,
Florida, in his official capacity and
ELECTED COUNTY MAYOR
POLICAL COMMITTEE, INC. f/k/a
TAKING BACK HILLSBOROUGH
COUNTY POLITICAL COMMITTEE,
INC.,**
Defendants.

FINAL DECLARATORY JUDGMENT

THIS CAUSE having come to be heard before the Court on August 1, 2008 on the Plaintiff's Complaint for Declaratory Relief and the Court after reviewing the pleadings, memorandum of law and argument of counsel make the following findings:

1. The language on the Charter Amendment Petition Form stating "...the ballot in the next general election" does not constitute a limitation that would prevent the Charter Amendment from the 2008 ballot.
2. The language in the Charter Amendment Summary is not misleading.
3. The language in the Charter Amendment Summary stating "... election of the County Mayor shall be held in even number years beginning with the general election held in the year 2008", is a self-imposed limiting condition that cannot occur in 2008.

It is therefore,

ORDERED AND ADJUDGED that the Plaintiff's Complaint for Declaratory Relief is granted and the County Mayor Charter Amendment is invalid.

DONE AND ORDERED in Chambers, at Tampa, Hillsborough County, Florida, this 1st day of August, 2008.


JAMES D. ARNOLD, Circuit Judge

Copies furnished to:

Jennifer S. Blohm, Esquire
Ronald G. Meyer, Esquire
Meyer and Brooks, P.A.
2544 Blairstone Pines Drive
PO Box 1547
Tallahassee, FL. 32302

Peter Antonacci, Esquire
301 S. Bronough Street
Suite 600
Tallahassee, FL. 32301

Buddy Johnson, Supervisor of Elections
c/o Kathy Harris, Esquire
County Center
601 East Kennedy Blvd.
16th Floor
Tampa, FL. 33602

Glenn T. Burhans, Jr., Esquire
Greenberg Traurig, PA
101 East College Avenue
PO Drawer 1838
Tallahassee, FL. 32302