



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Charter Cleanup Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

Eric R. Grimmer, Chair
Rishi Bagga
Dick Batchelor
Tom Callan
Chuck O'Neal
Eugene Stoccardo

Summary of Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that a Charter Cleanup Amendment not be placed on the 2024 General Election ballot.

However, the Committee recommends that the CRC Final Report include a recommendation to the 2028 CRC that it consider placing a Charter Cleanup Amendment on the 2028 ballot including the substance of the matters set forth in Exhibit "A" if space so allows.

Overview of Committee Process

At its May 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") created the Charter Cleanup Committee (later renamed the Sustainable Growth & Charter Cleanup Committee due to its expanded scope) to recommend cleanup revisions to the Charter.

Upon the Committee's review of the Charter, two portions were studied for removal:

- Article VIII/Section 801, creating a Citizen Review Board to investigate citizen complaints against sheriff deputies and to review the Sheriff's internal departmental investigations into those complaints.
- Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission.

Each was studied for removal for a different reason. The first, Article VIII/Section 801, was found unconstitutional in *Demings v. Orange Cnty. Citizens Review Bd.*, 15 So.3d 604 (Fla. 5th DCA 2009) and found void and ordered stricken from the Charter upon remand to the trial court. However, the version of the Charter as maintained by Municipal Code Corporation (“Municode”) still contained the article and section, with a footnote noting the case.

In contrast, Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission, is not and has not been found illegal, but all of the duties and activities that the article and section contemplated were concluded back in 2006.

With regard to the article and section that had been found unconstitutional and ordered stricken, the Committee learned that the County Attorney’s office had previously requested Municode to delete the language from its codification back in 2016 during another CRC cycle, but that for whatever reason, Municode did not do so. The Committee requested that the County Attorney’s office renew the request to Municode to avoid having to resort to a charter amendment to do so. After many months, the Committee was advised at its March 1, 2024 meeting that Municode would remove Article VIII/Section 801. As a result, the Orange County Charter as maintained on Municode currently reads “Article VIII – Reserved”, with the entirety of former Section 801 deleted, and a footnote referencing the case finding the former Section 801 unconstitutional.

As to Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission, General Counsel Vose has advised that while its duties have concluded, it cannot be removed from the Charter without a charter amendment. At its April 24, 2024 meeting, the Committee considered whether to recommend to the full CRC a Charter Cleanup Amendment removing this article and section. However, after discussion, noting that they had accomplished half of their charter cleanup work by other means, the Committee concluded that in light of the number of other potential charter amendments the CRC may place on the ballot, such a narrow charter amendment would not be the best use of ballot space.

Note: The CRC Sustainable Growth and Charter Cleanup Committee has not recommended that the following charter amendment be placed on the 2024 General Election ballot. The language is included as part of the Committee's recommendation that the 2028 CRC revisit the issue, as described above.

Exhibit "A"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**ORANGE COUNTY CHARTER CLEANUP
AMENDMENT**

Amending the Orange County Charter to remove provisions relating to the Orange County/City of Orlando Consolidation Study Commission, which concluded its one-time duties in 2006.

____ Yes
____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

**ARTICLE IX. – RESERVED. ~~ORANGE COUNTY/CITY OF ORLANDO
CONSOLIDATION OF SERVICES STUDY COMMISSION~~**

**~~Sec. 901. Orange County/City of Orlando Consolidation of Services Study
Commission.~~**

A. ~~The board of county commissioners ("county") shall appoint five members and the Orlando City Council ("city") shall appoint four members to serve on the Orange County/City of Orlando Consolidation of Services Study Commission. An additional two members may be appointed by majority vote of the Orange County legislative delegation. All members of the Orange County/City of Orlando Consolidation Study Commission shall be electors of the county and shall include a broad base of representation from throughout the community. No elected official shall be appointed as a member of the Orange County/City of Orlando Consolidation Study Commission.~~

B. ~~The Orange County/City of Orlando Consolidation Study Commission shall be empowered to conduct a comprehensive study of the consolidation of city/county government services and shall be specifically charged with providing a report to the city and county with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues. The Orange County/City of Orlando Consolidation Study~~

~~Commission shall be appointed no later than February 1, of the year after approval of a majority of the electors voting on the question at referendum and shall adjourn sine die no later than 18 months following that election.~~

- ~~C. The Orange County/City of Orlando Consolidation Study Commission shall hold no less than four public hearings prior to presenting its report to the county and city, which report shall be presented no later than September 1 following its adjournment.~~
- ~~D. The Orange County/City of Orlando Consolidation Study Commission shall create and elect appropriate officers, as it deems necessary and proper for the orderly conduct of its specific duties.~~
- ~~E. The county shall pay the reasonable expenses of the Orange County/City of Orlando Consolidation Study Commission. The city shall have the option to provide staff assistance to the consolidation study commission and assist with such expenses.~~
- ~~F. The county may enact an ordinance to adopt the provisions of this section, which shall prevail over any municipal ordinance to the extent of any conflict.~~