

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Charter Review Commission Agenda - Final

Monday, April 15, 2024

6:00 PM

County Commission Chambers

Charter Review Commission

CRC Members:

Homer Hartage, Chair

Lee Chira, Vice Chair

***Mark Arias-Rishi Bagga-Dick Batchelor-Tom Callan-Eric R. Grimmer-
Erica Jackson-Chuck O'Neal-Angel de la Portilla-Alisia Adamson Profit-
Cornita A. Riley- Eugene Stoccardo-Beverly Winesburgh-Dotti Wynn***

Call to Order**Pledge of Allegiance****I. Roll Call****II. Chair / Vice Chair Comments****III. Public Comment****IV. Consent Item**

- A. CRC-24-102 Approval and execution of the minutes of the March 18, 2024 meeting of the Charter Review Commission (CRC).

Attachments: 2024-03-18 CRC Draft Meeting Minutes

V. Committee Meeting Updates

These updates are for informational purposes only. No action is required of the CRC at this time.

- A. CRC-24-103 Governmental Structure Committee Meeting Held on April 5, 2024 (Committee Chair de la Portilla)
- B. CRC-24-104 Sustainable Growth & Charter Clean Up Committee Meeting Held on April 5, 2024 (Committee Chair Grimmer)

VI. Acceptance of Committee Final Reports

- A. CRC-24-106 Governmental Structure Committee - County Attorney

Attachments: Final Report and Rec - Gov't Structure (County Attorney)

- B. CRC-24-107 Transportation Committee

Attachments: Final Report and Rec - Transportation

VII. Committee Recommendation Public Hearings

- A. CRC-24-108 Transportation Committee - Consideration of the proposed amendment creating the Transportation Mobility Advisory Commission (First of Two Public Hearings / Votes)
1. Public Comment
 2. CRC Discussion and First Vote

Attachments: Final Report and Rec - Transportation

- B.** CRC-24-109 Governmental Structure Committee - Consideration of the proposed amendment establishing the charter office of County Attorney (First of Two Public Hearings / Votes)
1. Public Comment
 2. CRC Discussion and First Vote

Attachments: Final Report and Rec - Gov't'l Structure (County Attorney)

- C.** CRC-24-110 Initiative Petitions Committee - Consideration of the proposed amendment revising the Orange County Charter Initiative Petition process which includes revised ballot language to include the financial impact summary (Second of Two Public Hearings / Votes)
1. Public Comment
 2. CRC Discussion and Second Vote

Attachments: Final Report and Recommendation - IP Committee
 Revised Ballot Summary Adding FIS - IP
 Comptroller Financial Analysis and Statement

VIII. Member Comments

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Draft Meeting Minutes

Monday, March 18, 2024

6:00 PM

County Commission Chambers

Charter Review Commission

CRC Members:

Homer Hartage, Chair

Lee Chira, Vice Chair

Mark Arias-Rishi Bagga-Dick Batchelor-Tom Callan-

Eric R. Grimmer-Erica Jackson-Chuck O'Neal-

Angel de la Portilla-Alisia Adamson Profit- Cornita A. Riley- Eugene Stoccardo-

Beverly Winesburgh-Dotti Wynn

Call to Order

The meeting was called to order at 6:05 p.m.

Present: 15 - Member Dick Batchelor, Member Alisia Adamson Profit, Member Angel de la Portilla, Member Eric R. Grimmer, Member Erica Jackson, Member Homer Hartage, Member Lee Chira, Member Mark Arias, Member Rishi Bagga, Member Tom Callan, Member Dotti Wynn, Member Eugene Stoccardo, Member Cornita A. Riley, Member Chuck O'Neal, and Member Beverly Winesburgh

Others present:

Deputy Clerk David Rooney
Assistant Deputy Clerk Jennifer Lara-Klimetz
CRC General Counsel Wade Vose
CRC Administrative Assistant Jessica Vaupel
Minutes Supervisor Craig Stopyra

Pledge of Allegiance**I. Roll Call**

Members Present: Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Riley, Member Wynn, Chair Hartage, Vice Chair Chira, Member Grimmer, Member Bagga, Member O'Neal, and Member Stoccardo. A quorum was established and the meeting was called to order.

II. Chair / Vice Chair Comments

CRC Chair Hartage outlined the next phase of the CRC's process. It began three meetings ago when the CRC received its first final committee report from the Creation of the Public Bank Committee. Committee Chair Adamson Profit presented the report and the committee recommended the item not move forward. The full CRC agreed with their recommendation. At the previous full CRC meeting, the Sustainable Growth & Charter Clean Up Committee brought a proposal to the full CRC for the creation of a rural boundary. The proposal was remanded back to the committee for further studying.

CRC Chair Hartage added that the CRC will follow the same procedure in CRC meetings going forward. As the CRC reviews committee reports, the CRC will do either three things: 1) accept the report of the committee as presented, or 2) reject the report of the committee, or 3) accept the report with proposed changes and remand the issue back to the committee.

CRC Chair Hartage acknowledged to the CRC that remanding the issue back to the committee does not guarantee that the issue will move out of the committee or that it will not come out of the committee with the changes as recommended by the full CRC.

Following the CRC Bylaws, no proposed ballot issue shall be subject to a final vote of the full CRC until it has been on the agenda for discussion and consideration at a minimum of two (2) CRC

regular business meetings. At the time of the second reading, the report will be carried by a simple vote. Any meeting of the CRC to consider a second vote shall be properly noticed to the public.

CRC Chair Hartage, added that, during today's meeting, no vote is to include amendments to be placed on the ballot. The vote will be to move the topics out of the committee.

CRC Chair Hartage stated that the public will be allowed three (3) minutes to speak during public comment. Following public comment, CRC members will be allowed to make comments and ask questions to members of the public.

CRC Chair Hartage noted that the three (3) topics of the Governmental Structure Committee, listed as one agenda item, will be split into separate items. General Counsel Vose contributed to the discussion adding that the topics for no change are CRC Frequency and Separation of Powers. The topic of Expansion of County Commission will be presented by Committee Chair de la Portilla last.

Member Batchelor requested discussion from General Counsel Vose or the CRC Chair on the State Legislature preemption bill regarding the rural boundaries. CRC Chair Hartage indicated the discussion would occur later in the meeting.

III. Public Comment

CRC Chair Hartage acknowledged that Member Arias and Member Adamson Profit joined the meeting.

The following person addressed the CRC during public comment:

- Mark Bender

CRC Chair Hartage acknowledge Orange County Commissioner Michael Scott.

The following persons addressed the CRC during public comment (continued):

- Nelson Betancourt
- Luis Olguin
- Orange County Commissioner Michael Scott

At the request of Member Batchelor, General Counsel Vose advised the CRC of the developments from the Florida Legislature relating to the rural boundary, whereby a floor amendment was introduced to amend a bill adding to a particular Florida Statute the following language: A citizen led County Charter amendment, that is not required to be approved by the Board of County Commissioners, preempting any development order, land development regulation, comprehensive plan, or voluntary annexation, is prohibited, unless expressly authorized in a County Charter that was lawful and in effect on January 1, 2024. General Counsel Vose discussed the reason the State Senator introduced the floor amendment was to preempt

any proposed rural boundary amendment by the Charter Review Commission. He explained the bill has been adopted by both the Senate and the Florida House of Representatives and will be presented to the Governor who will either sign or veto the bill.

Member Batchelor commented on the preempted bill from the Florida Legislature. He requested additional information from General Counsel Vose regarding the Rural Boundaries Charter Amendment notwithstanding Joint Planning Agreements (JPA's) or City agreements. General Counsel Vose theorized, from reading the language and as it was explained by the State Senator who introduced the bill, it is addressed to a Charter Commission or an initiative petition process. The preemption would not encompass a Charter amendment proposed by the Board of County Commissioners and explained the bill is zeroing in on any Charter amendment of that particular origin that preempts development orders, land development regulations, comprehensive plans, or voluntary annexations. The proposed rural boundary amendment from the Sustainable Growth and Charter Clean Up Committee does not preempt any development order or annexation; further, preempting an annexation would be contrary to general law. The County comprehensive plan and land development regulation will preempt municipal regulation if and when the city comes to be in that area in the future and in General Counsel Vose's opinion, it does not interfere with joint planning processes. General Counsel Vose will discuss potential options with the Sustainable Growth and Charter Clean Up Committee members regarding the new legislation. The Florida Legislative floor amendment preempted a particular part of the CRC rural boundary amendment however, there are two parts to the CRC rural boundary amendment. One was the preemption of the municipal land use regulation in certain areas and the other was setting super majority voting thresholds for certain decisions particularly comprehensive plan amendments, and increasing densities or intensities. The super majority voting thresholds was untouched by the Florida Legislative bill. CRC Chair Hartage suggested General Counsel Vose provide a more detailed explanation to the Sustainable Growth & Charter Clean Up Committee regarding the Florida Legislative bill. Discussion ensued.

IV. Consent Item

- A. CRC-24-091** Approval and execution of the minutes of the January 30 and February 19, 2024 meetings of the Charter Review Commission (CRC).

A motion was made by Member Grimmer, seconded by Member Wynn, to approve the minutes of January 30, 2024. The motion carried by the following vote:

Aye: 15 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

A motion was made by Member Winesburgh, seconded by Member Grimmer, to approve the minutes of February 19, 2024. The motion carried by the following vote:

Aye: 15 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

V. Committee Meeting Updates

- A. CRC-24-092** Governmental Structure Committee Meetings Held on March 1 and 15, 2024
(Committee Chair de la Portilla)

At the request of CRC Chair Hartage, Committee Chair de la Portilla deferred his comments until his final report of the Governmental Structure Committee presentation later in the meeting.

- B. CRC-24-093** Sustainable Growth & Charter Clean Up Committee Meeting Held on March 1, 2024 (Committee Chair Grimmer)

Committee Chair Grimmer presented an update on the Sustainable Growth and Charter Clean Up Committee. He mentioned the last committee meeting occurred on March 1, 2024, which was before the Senate and House passed its bill to limit proposed regulations by the Charter Review Commission with regards to rural development and boundaries. Committee Chair Grimmer thanked his fellow committee members for their comments on the rural boundary issue during member discussion of public comment. He added the members of the Orange County delegation and those elected officials voted in favor and against the Senate amendment and final version of the bill.

At the last committee meeting on March 1, 2024, Orange County Planning Staff presented information on Joint Planning Agreements, preservation districts, and identified the zoned rural and agricultural lands that remain available on the west side. Members of municipalities attended the committee meeting and provided insight of their issues on the west side of Orange County.

Committee Chair Grimmer indicated the Committee will further analyze and review the prospective bill currently in the Florida Legislature if signed by the Governor of Florida. He is hopeful the committee can create a rural boundary amendment based upon all the information presented and received during this Charter process.

- C. CRC-24-094** Transportation Committee Meetings Held on March 5 and 15, 2024
(Committee Chair Callan)

Committee Chair Callan presented an update on the Transportation Committee. Committee Chair Callan indicated that the committee is waiting on General Counsel Vose to provide additional ballot language to the committee. CRC Chair Hartage indicated he is excited to see what will be produced by the committee as it is great opportunity to address some of the major transportation issues within Orange County.

- D. CRC-24-095** Initiative Petitions Committee Meeting Held on March 15, 2024
(Committee Chair Wynn)

Committee Chair Wynn presented an update on the Initiative Petitions Committee. At the last committee meeting on March 15, 2024, the committee voted to approve the final report. Committee Chair Wynn indicated that she will present a full report at the next full CRC meeting. She added that General Counsel Vose is finalizing the ballot amendment verbiage.

VI. Committee Final Report Presentations

A. CRC-24-096 Governmental Structure Committee - CRC Frequency, Separation of Powers and Expansion of Commission Districts (First Meeting for Discussion and Consideration)

CRC Chair Hartage opened the Governmental Structure Committee final report for CRC Frequency, Separation of Powers, and Expansion of Commission Districts for discussion and consideration. The topics of CRC Frequency and Separation of Powers will be presented separately because the committee is recommending not to move forward with amendments on the ballot.

Committee Chair de la Portilla presented an update of the Governmental Structure Committee. His committee reviewed seven (7) topics during the CRC cycle, one of the topics was the frequency of the Charter Review Commission meetings. At the November 8, 2023, meeting the committee unanimously recommended to not make any changes to the current frequency of the CRC meetings the ongoing issues in Orange County. The committee felt that it was important that the County Charter Commission continually meet every four years.

A motion was made by Member de la Portilla, seconded by Member Chira, to accept the Governmental Structure Committee's recommendation and not make any changes to the frequency of the Charter Review Commission. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Bagga

Committee Chair de la Portilla reported the committee's recommendation on the second topic, Separation of Powers. The committee began deliberating the issue in June 2023. The Committee heard from two former County Mayors, the current County Mayor and citizens on whether the County Mayor should continue to serve on both the executive and legislative branches. Committee Chair de la Portilla added that the committee reviewed Orange County's Charter as well as charters of the seven (7) largest metropolitan counties, Miami-Dade, Broward, Palm Beach, Orange, Duval, Hillsborough, and Pinellas, in Florida. Three of those metropolitan counties have a strong Mayor form of government. He mentioned in Miami-Dade and Duval counties, the Mayor does not vote and is only a member of the executive body furthermore, in those counties, the legislative body prepares the agenda, runs the meetings and the Mayor has veto power. The office of the Mayor in Orange County is unique in that it is only of the large counties where Orange County has a county wide elected Mayor who serves on both capacities the executive and legislative branches. Committee Chair de la Portilla added that part of the reason why this topic was created was because of the topic of the Expansion of County Commission districts when the committee considered at adding one district instead of two districts. In order to break the tie vote, either the Mayor votes twice as they do in the Orange County School Board or the Mayor's vote counts for two votes. The committee carefully reviewed this model however, at the committee meeting on March 1, 2024, the committee felt that it was not in their best interest and

recommended leaving the existing structure intact and keep the Mayor serving on the executive and legislative branches. One of the compelling reasons that the committee found, after reviewing the 1998 Orange County Charter Review Commission, was that they wanted the Mayor on record for every single vote that took place during the Board of County Commissioner meetings. Due to this compelling reason, Committee Chair de la Portilla indicated that the committee voted to keep the existing structure intact.

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Governmental Structure Committee's recommendation to have the Mayor continue serving on both the executive and legislative side. No vote taken. Discussion ensued on the main motion.

Member O'Neal requested to make a motion, which would be contrary to Committee Chair de la Portilla's motion. As to Member O'Neal's request, CRC Chair Hartage listed the options provided based on Robert's Rules of Order. He indicated Member O'Neal could offer a substitute motion or an amendment but only if the amendment is accepted by the maker and the seconder of the motion. General Counsel Vose contributed to the discussion and mentioned a member wanting to make another motion could argue against the main motion before they intend to offer a new motion. CRC Chair Hartage suggested Member O'Neal make comments against Committee Chair de la Portilla's main motion or encourage the CRC members to support his motion. Discussion ensued.

Member O'Neal discussed a portion of Section 108, Division of Powers, of the Charter, and read the following regarding Section 108: "This Charter hereby establishes the separation between the legislative and executive functions of this government; the establishment and adoption of policy shall be the responsibility of the legislative branch, and the execution of that policy shall be the responsibility of the executive branch." Member O'Neal stated that Orange County has two separated branches of government. The legislative branch is the County Commission and the executive branch is the administrative branch. Member O'Neal and others believe in reviewing Section 108 Charter it is incompatible having a Mayor serve as head on both the legislative and executive branch. Member O'Neal mentioned questions arose regarding the separation of powers within Section 108 was first created in 1988, as indicated in the notes by the Charter Review Commission which he read as follows: Some members felt that the Chairman would be most effective if separate from the Board and if less powerful. Powerful had porgerative connotations in part because of the concerns for the possibility of concentrating power on special interests and the subsequent decrease in the power of the commission."

Member O'Neal added that, at the last committee meeting, the committee voted 6-2 in favor of not changing anything, however, minutes prior revealed that, the same committee, voted 4-4 on the topic. This showed that there was not an overwhelming consensus that this issue should not be changed. Member O'Neal indicated that General Counsel Vose prepared Exhibit A, which is in the Governmental Structure Committee packet. Exhibit A proposed removing the Mayor from the legislative branch, putting the Mayor solely in the executive branch, and that the Board of County Commissioners be comprised solely of commissioners, elected, by the citizen population. Member O'Neal believed that this is not a fully agreed upon best option not changing the separation of powers. Member O'Neal moved that this issue be remanded back to the

Governmental Structure Committee to hear public comment and have a third vote on the issue. Discussion ensued.

A motion was made by Chair Hartage, seconded by Member Arias, to call the question to end discussion. No vote taken.

The main motion was restated by CRC Administrative Assistant Vaupel to read as follows: To accept the Governmental Structure Committee's recommendation and to keep the Mayor on both the executive and legislative side.

A motion was made by Chair Hartage, seconded by Member Arias, to call the question to end discussion. The motion carried by the following vote:

Aye: 15 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Governmental Structure Committee's recommendation and to keep the Mayor on both the executive and legislative side. The motion carried by the following vote:

Aye: 13 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Riley, and Member Winesburgh

Nay: 2 - Member Stoccardo, and Member O'Neal

Committee Chair de la Portilla presented the Governmental Structure Committee report of the Expansion of County Commission. He introduced the committee members, identified topics the committee reviewed, committee meeting dates, invited guests who appeared before the committee, brief history of the expansion of the Board of County Commissioners, estimate of fiscal impacts, growth of the County's budget, action taken by the Governmental Structure Committee, timeline for expansion of the Board of County Commissioners, and the recommended action for the Charter Review Commission.

A motion was made by Committee Chair de la Portilla, seconded by Member Riley, to accept the Governmental Structure Committee's recommendation for the expansion of the BCC by two members in 2026, subject to a financial impact analysis to be provided by the County Comptroller and presented to the CRC at a future meeting in April, and to schedule the proposal for a final vote. No vote taken. Discussion ensued.

CRC Chair Hartage offered a friendly amendment to the main motion to remove the word "April". Committee Chair de la Portilla accepted the friendly amendment but asked the month be changed to "May". General Counsel Vose indicated that there are no other meetings scheduled in

March. There is a CRC meeting scheduled in early April. CRC Chair Hartage withdrew his friendly amendment.

Member O'Neal compared the financial impact of County's overall budget to the estimate of the recurring annual costs of additional County Commissioners. He believes that people need representation and there are areas in Orange County that don't have adequate representation. Member O'Neal is in favor of the motion for representation for the population.

Member Stoccardo requested a point of clarification on the motion regarding the number of votes to approve the report and the fiscal impact analysis. Discussion ensued.

Member Batchelor requested clarification on the motion regarding the overall fiscal impacts of an election and recurring annual costs of additional County Commission district offices. Committee Chair de la Portilla repeated the financial impacts, one time cost of an election, and recurring annual costs of additional district commissioners including their staff. Member Batchelor supports the motion as presented by Committee Chair de la Portilla.

CRC Chair Hartage expressed his concern asking how Orange County's numbers compare to the other six (6) large urban counties with similar population which include municipalities. Committee Chair de la Portilla stated, of all the counties, Orange County Commissioners represents approximately 246,000 residents per commission district based upon the year 2022. CRC Chair Hartage requested that these population numbers be presented at the next CRC meeting that discusses this topic.

Member Callan thought today's vote was to transmit the report to the overall committee and not if he was in support or not in support of the topic. Discussion ensued. General Counsel Vose contributed to the discussion. CRC Chair Hartage reiterated the way the full CRC would handle votes are: 1) Accept the report of the committee; 2) Reject the report of the committee; 3) Accept the proposal as changed and remand back to the committee. CRC Chair Hartage explained that the CRC should be accepting the recommendation of the committee and then scheduling it for a first vote. CRC Chair Hartage added that the main motion is correct and the CRC should accept the recommendation because this is not the first reading. Discussion ensued.

Committee Chair de la Portilla explained his understanding was the first reading and the second reading is when the County Comptroller provides the fiscal financial statement and the third hearing to accept the CRC's entire final report in June. General Counsel Vose in reviewing the bylaws, he explained when a committee brought an affirmative recommendation, for a Charter amendment to be placed on the ballot, it would come as a presentation from a committee and placed on an agenda for discussion and consideration. He explained the two requirements in the Bylaws adopted by the CRC require that a proposal be placed on an Agenda for discussion and consideration at two separate meetings; further, that it be noticed when the CRC make a final vote. Therefore the understanding was tonight's meeting was the first of the required meetings and a subsequent meeting be scheduled and noticed in April in which the County Comptroller would provide the financial impact statement where the CRC could possibly make a final vote. CRC Chair Hartage communicated that his understanding of the bylaws were different in that he

expected the CRC to accept the recommendation of the Committee's report tonight; and further, schedule and notice two public hearings before the CRC's final vote of the Committee's recommendation.

General Counsel Vose suggested the main motion be revised to indicate the last sentence "..., and to schedule the proposal for a final vote" to read as follows "..., and to schedule the proposal for final votes." Committee Chair de la Portilla asked if the required fiscal analysis, prepared by the County Comptroller, needs to be voted on twice. Discussed ensued. General Counsel Vose contributed to the discussion.

CRC Chair Hartage recommended the action requested be split into two motions, one to accept the Governmental Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026, and the second to direct the County Comptroller to initiate a impact fee analysis to correspond with the recommendation. General Counsel Vose contributed to CRC Chair Hartage's recommendation.

Member Callan made a motion to accept the Governmental Structure Committee's report and add the two seats in 2026. No seconder on Member Callan's motion was announced. CRC Chair Hartage supported Callan's motion, which was the same as Committee Chair de la Portilla's main motion, with the exclusion of the following "and to schedule the proposal for a final vote." Committee Chair de la Portilla discussed a memo sent by Eric Gassman regarding specific provisions of Section 703 of the Charter that requires a fiscal impact analysis. Mr. Gassman needs direction from the full CRC and a copy of the ballot language in order to proceed.

CRC Chair Hartage asked if Committee Chair de la Portilla would accept a modification to his main motion to accept the Governmental Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026 subject to a final impact analysis to be provided by the County Comptroller.

Committee Chair de la Portilla withdrew his original motion and accepted CRC Chair Hartage's modification.

Committee Chair de la Portilla offered a new motion to accept the Governmental Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026, and schedule the proposal for final votes. No seconder of the motion was announced. Discussion ensued. CRC Chair requested Committee Chair de la Portilla withdraw his original motion which was seconded by Member Riley, to accept the Governmental Structure Committee's recommendation for the expansion of the BCC by two members in 2026, subject to a financial impact analysis to be provided by the County Comptroller and presented to the CRC at a future meeting in April, and to schedule the proposal for a final vote. Committee Chair de la Portilla indicated he already withdrew that motion. CRC General Counsel Vose contributed to the discussion and recommended the first motion be to accept the Governmental Structure Committee's recommendation for the expansion of the BCC by two members in 2026.

Committee Chair de la Portilla made a new motion. A motion was made by Committee Chair de

la Portilla, seconded by Member Winesburgh, to accept the Governmental Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026. No vote taken. Discussion ensued. Vice Chair Chira requested the word "recommendation" be removed from the new motion. Discussion ensued.

A motion was made by Member Stoccardo, seconded by Member Grimmer, to call the question to end discussion. The motion carried by the following vote:

Aye: 15 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

A motion was made by Committee Chair de la Portilla, seconded by Member Winesburgh, to accept the Governmental Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026. The motion carried by the following vote:

Aye: 12 - Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Arias, Member Bagga, Member Callan, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Nay: 3 - Member Batchelor, Member Chira, and Member Wynn

A motion was made by Committee Chair de la Portilla, seconded by Member Batchelor, to direct the Orange County Comptroller to prepare a fiscal impact analysis on the Expansion of the County Commission by two members in 2026. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Callan

VII. Member Comments

Member O'Neal asked for clarification on the procedure on accepting committee reports and restated the options previously announced by Chair Hartage as follows: the CRC has a choice to accept the report, to reject the report, or to return the report back to the committee. CRC Chair Hartage confirmed that was correct.

Member Batchelor clarified for the record that there would be two public hearings on a committee's recommendation which was confirmed by CRC Chair Hartage. Member Batchelor also suggested working with the County for another press release. CRC Chair Hartage took Member Batchelor's suggestion under consideration and will meet with CRC Staff to discuss the idea.

Member Stoccardo voiced his concern that the CRC will not have enough time to finish their

agenda. CRC Chair Hartage indicated he will work with CRC Staff to schedule additional CRC meetings as necessary.

General Counsel Vose recommended based upon the policy instituted by the Comptroller's Office that only with direction from the full CRC will the Comptroller's Office prepare financial impact statements, he suggested if the CRC would entertain a motion to request the Comptroller prepare financial impact statements for any proposed Charter amendment reported out of committee. CRC Chair Hartage supported General Counsel Vose's recommendation.

A motion was made by Member Arias, seconded by Chair Hartage, to request the Comptroller prepare financial impact statements for any proposed Charter amendment reported out of committee. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Callan

VIII. Adjournment

A motion was made by Member Adamson Profit, seconded by Member Wynn, to adjourn the meeting. No vote taken.

There being no further business, the meeting adjourned at 8:31 p.m.

Homer Hartage, Chair
2024 Charter Review Commission



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Governmental Structure Committee

Charter Office of County Attorney Final Report and Recommendation to the Charter Review Commission

April 10, 2024

Committee Members:

Angel de la Portilla, Chair
Mark Arias
Tom Callan
Chuck O'Neal
Cornita Riley
Eugene Stoccardo
Beverly Winesburgh
Dotti Wynn

Summary of Recommendation

At its July 17, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") assigned to the Governmental Structure Committee (the "Committee") a study of the County Attorney as it relates to the role of serving both the executive and legislative branches of the County government.

Over the course of at least 10 of its public meetings, the Committee heard public input and studied, reviewed, and discussed the role of the County Attorney at length, amongst its other assigned subject matters.

The Committee began with a review of Florida's 20 county charters, noting that the Orange County Charter is the only one that does not establish a charter office of County Attorney.

The Committee reviewed the history of the County Attorney in the Orange County Charter, beginning with the original 1986 County Charter, in which the Office of County Attorney was previously established as a charter officer pursuant to former Section 403.

The Committee continued its review with the 1988 charter amendment that established the contours of our current form of government (separately elected county chairman [later county mayor] with executive authority and a member of the County Commission, and six single-member commission districts).

However, this same 1988 charter amendment also deleted Section 403 of the 1986 Charter, removing the County Attorney as a charter officer and replacing it with a division

of “legal services” under the direction and supervision of the County Mayor pursuant to Sections 401 and 402. Many committee members expressed concern that the removal of the County Attorney as a charter officer was not explicitly mentioned in the ballot summary presented to the voters for the 1988 charter amendment.

The Committee heard from current County Commissioners voicing concerns about access to legal services from the County Attorney’s office. The Committee also discussed the role of the County Attorney with a number of past and present officials, including:

- Tom Wilkes, former Orange County Attorney, Chairman of the 1986 Orange County Citizens Charter Government Study Committee, and Member of the 1988 CRC
- Former County Mayor Linda Chapin
- Former County Mayor Teresa Jacobs
- County Mayor Jerry Demings
- County Attorney Jeffrey Newton

In the course of these discussions, the Committee also learned more about longstanding policies that have been in place in the County Attorney’s office to help ensure the availability of access to legal services for County Commissioners.

As a result of its inquiries, the Committee explored the option of reviving former Section 403 of the 1986 Charter establishing a charter office of County Attorney, with potential revisions to account for modifications to the County’s form of government since that time.

The Committee discussed former Section 403 with County Attorney Newton. In the course of that discussion, Mr. Newton confirmed that the County Attorney’s client is the County government, and that, with the addition of references to the County Mayor and department heads, the following quote from former Section 403 is generally an accurate statement of the Orange County Attorney’s role:

“[t]he County Attorney and all assistant county attorneys shall represent the County government, the Commission, Administrator and the division heads and county officers, all divisions and agencies of County government and all Adjustment, Regulatory and Advisory Boards and Commissions in all legal matters affecting the County government”

The Committee also discussed the appropriate roles of the County Mayor and County Commission in the appointment and removal of the County Attorney. Former Section 403, in place prior to the shift to the County Mayor/County Commission form of government, vested appointment and removal power solely in the County Commission. After review, the Committee concluded that the Mayor and County Commission should each have an important role to play in the appointment and removal of the County Attorney.

Accordingly, after consideration of the information presented, the Committee voted 7-0 to recommend to the full CRC an amendment to the Orange County Charter establishing a charter office of County Attorney by reimplementing former Section 403 of the original 1986 County Charter, with specified revisions, as shown at Exhibit “A”.

Specifically, the 1986 charter language has been revised to provide that the County Attorney “shall be appointed by the county mayor and confirmed by a vote of a majority of the full board” and that the County Attorney “may be removed by the county mayor, or by a vote of a majority of the full board.” This removal language is a meaningful change from the status quo, as the County Attorney and other county department heads are presently only subject to County Commission confirmation (or withholding of confirmation) on an annual basis.

The language has also been revised to conform to the drafting conventions of the current Charter (for example, most titles in lowercase, and referring to the Board of County Commissioners as “the board” rather than “the Commission”) and to accommodate the current organizational structure of the County (with the inclusion of the County Mayor, and reference to County departments). Finally, the language has been revised to provide that the compensation of the County Attorney shall be set by the board “after recommendation by the county mayor”, consistent with an analogous charter provision concerning the County Administrator.

Exhibit “A”

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

**ORANGE COUNTY CHARTER
AMENDMENT ESTABLISHING CHARTER
OFFICE OF COUNTY ATTORNEY**

Amending the Orange County Charter to establish an office of the County Attorney, who shall be the County’s chief legal counsel, appointed by the County Mayor and confirmed by a majority of the full County Commission, and removed by either the County Mayor or a majority of the full County Commission.

_____ 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:

Sec. 402. Initial divisions and administrative regulations.

A. [Initial divisions.] The following initial divisions are hereby established:

1. Community rehabilitative services.
2. Fire and rescue services.
3. Public utilities.
4. Administrative support.
5. Health and human services.
6. Public works and development.
7. Civic facilities.
8. ~~Legal services.~~

...

Sec. 403. Office of county attorney.

There shall be an office of the county attorney. The county attorney shall be the chief legal counsel to the county. The county attorney shall be appointed by the county mayor and confirmed by a vote of a majority of the full board. The county attorney may be removed by the county mayor, or by a vote of a majority of the full board. The county attorney shall employ such assistant county attorneys and special assistant county attorneys, on either a full-time or part-time basis, as may be deemed necessary, subject to budget approval. The county attorney and all assistant attorneys shall represent the county government, the board, county mayor, county administrator, and the department and division heads and county officers.

all divisions and agencies of county government and all adjustment, regulatory and advisory boards and commissions in all legal matters affecting the county government; and, upon request, they shall represent all constitutional officers serving Orange County. The county attorney and all assistant attorneys shall be licensed to practice law in the State of Florida. The compensation of the county attorney shall be set by the board after recommendation by the county mayor.



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Transportation Committee

Final Report and Recommendation to the Charter Review Commission

April 10, 2024

Committee Members:

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

At its November 9, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") formed the Transportation Committee to study transportation policy, and determine whether to recommend changes to the Orange County Charter.

Based on its study, the Transportation Committee recommends creating a Transportation Mobility Advisory Commission, as embodied in the Committee's recommended charter amendment (attached as Exhibit "A"), which the Committee recommends that the CRC place on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview and Rationale for Proposed Charter Amendment

The proposed charter amendment creates a Transportation Mobility Advisory Commission ("TransMAC") appointed by the Board of County Commissioners. TransMac would hold public hearings annually to make recommendations on proposed expenditures for transportation purposes prior to their inclusion in the proposed County annual budget. TransMAC would also hold meetings to make recommendations to the County Commission on transportation and mobility innovation, and to review past County transportation expenditures.

The purpose of the TransMac Commission is twofold.

First, it is to provide a forum where all transportation funding must be publicly reviewed and examined at the same time by a citizen-led appointed board, to make recommendations to the BCC in the upcoming budget. This includes all roadway, pedestrian safety, transit, and other expenditures related to transportation from any sources of revenue, with specifically carved out exceptions listed therein.

The second purpose is to provide a forum to review, vet and recommend emerging transportation technologies to the BCC as well as County staff.

Orange County has approached the funding of transportation the same way for the past 50 years or so. Much mistrust or skepticism has grown within the general public for the funding of transportation from a variety of political points of view. Some believe special or development interests exert too much influence within the process. Others believe expenditures on transit or rail yield returns that do not justify the expenditures. The result is that people from all political perspectives have voiced skepticism and mistrust on transportation funding.

TransMAC as a Charter-created process (for the annual recommendation and ranking of funding for transportation spending at the required public hearings) creates a forum wherein citizens can evaluate and comment on competing requests for spending and spending priorities in an open and transparent manner. It is believed that in order to have the citizens buy-in to any future sales tax or other additional funding sources, this process is needed to build trust and to demonstrate on an annual basis the shortfall in transportation spending in Orange County. TransMAC also provides the forum for citizens to promote or critique projects.

TransMAC can evolve into a service to County staff and the BCC. It allows a public vetting that frees up the BCC to allow consensus to evolve prior to the annual budget requests. TransMAC as an advisory board for transportation funding will serve much like the Planning and Zoning Commission as a vehicle to resolve conflicts prior to the BCC. Finally, there is no better way to show the need to the citizens for the funding of transportation than to have the citizens annually examine and review the needs and shortfalls in the community.

Overview of the Committee Process

Prior to the committee holding its first meeting, CRC Chair Homer Hartage and Committee Chair Callan held two Sunshine Meetings on November 20 and December 4, 2023 to discuss transportation. Based upon their discussions, Committee Chair Callan drafted initial charter language, new Sec. 504 Transportation Mobility Advisory Commission, in order to initiate committee discussion.

The committee held six (6) meetings from January through March 2024. The meetings were attended by several members of the public as well as the office of District 5 Commissioner Emily Bonilla, and various members of Orange County staff. The committee considered significant input specifically from Orange County Public Works staff when discussing the various drafts of the amendment.

The committee began its work at its January 8, 2024 meeting by reviewing the initial charter language prepared by Committee Chair Callan. At the conclusion of the meeting, Committee Chair Callan requested the committee members submit comments to CRC staff for incorporation in to the draft charter language and discussion at their next meeting.

At its January 31, 2024 meeting, the committee reviewed its work to date and reviewed the draft charter language revised by Committee Chair Callan. At this meeting, the committee provided direction to General Counsel Vose to draft a charter amendment based upon committee discussions.

At its February 16, 2024 meeting, the committee reviewed its work to date and discussed the revised draft of the charter amendment dated February 12, 2024. The revised draft prepared by Mr. Vose represented a substantial rewrite of the previous draft charter language while making every effort to retain the essential elements of the prior draft of the amendment.

At its March 5, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 4, 2024. The draft did not fully incorporate all of the matters discussed at the February 16, 2024 meeting among the committee members and County staff, but was provided to serve as a foundation for further revisions at an upcoming meeting.

At its March 15, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 12, 2024.

Finally, at its March 27, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 22, 2024.

At the same meeting, the committee voted unanimously to advance the recommendation to the full CRC, including the proposed ballot and charter language attached as Exhibit “A;” and further, delegated to Committee Chair Callan the opportunity to draft the final report with Mr. Vose and staff.

Exhibit “A”

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

CHARTER AMENDMENT CREATING TRANSPORTATION MOBILITY ADVISORY COMMISSION

Amending the Orange County Charter to create a Transportation Mobility Advisory Commission empowered to hold public hearings and make recommendations to the County Commission on: (1) proposed expenditures for transportation purposes prior to inclusion in the proposed County annual budget; (2) transportation and mobility innovation; and (3) review of past transportation expenditures; and to provide for County Commission appointment, funding of operating expenses, organization, and staff assistance.

_____ 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:

Sec. 504. - Transportation Mobility Advisory Commission.

There is hereby created a Transportation Mobility Advisory Commission (“TransMAC”).

A. Functions, powers, and duties.

1. Transportation Expenditure Review and Recommendation.

- a. For the purposes of this section, “Proposed Expenditures” shall mean all capital expenditures for transportation purposes, and all payments to other governmental or quasi-governmental entities for transportation purposes, funded from any available revenue source (except community redevelopment agencies and developer contributions pursuant to a proportionate share agreement, development agreement, or development order), to be proposed for inclusion in the County’s annual budget.
- b. No later than the second Friday of January of each year, the County Administrator shall cause the relevant County departments to provide to TransMAC the County’s draft Proposed Expenditures, together with detailed documentation concerning the draft Proposed Expenditures, including project name, commission district, location,

type, amount, and supporting documentation, as applicable. No later than January 31 of each year, TransMAC shall hold a meeting at which the relevant County departments will make a presentation to TransMAC concerning the draft Proposed Expenditures.

c. During the months of February and March of each year, TransMAC shall hold no less than two (2) public hearings after 5 p.m. to review the Proposed Expenditures.

d. No later than the third Friday of March of each year, TransMAC shall issue a written report to the board providing advisory recommendations as to priority and projected budget amounts for such Proposed Expenditures. Such report may also include recommendations relating to the scope, work plan, organization, and implementation of projects to be funded by the Proposed Expenditures.

e. After the initial distribution of the proposed County annual budget to the board in July of each year, TransMAC shall hold at least one meeting to review and provide advisory comments and recommendations to the board concerning the transportation and transit expenditures contained in the proposed budget.

2. *Mobility Evolution and Enhancement.* From September through December of each year, TransMAC shall hold periodic public meetings to: (i) consider and review new transportation systems; (ii) examine the interface of new transportation systems with existing or future land uses, roadways, or other transit systems; (iii) advise and make recommendations to the board on new methods of transportation for all or a portion of the County, and for the integration of new trends in mobility with changes to land development requirements; (iv) consider and recommend new policy, legislative, or administrative topics to the board relating to transportation; and (v) review past County expenditures for transportation or transit purposes during the previous 10 years and recommend audits to the board.

3. TransMAC shall perform any other duties which may be lawfully assigned to it.

B. *Mandatory Review of Transportation Funding.* The substance of Proposed Expenditures shall be submitted for TransMAC review in accordance with Section 504.A.1 before their inclusion in the proposed County annual budget for the upcoming fiscal year. Emergency expenditures, expenditures funded by or related to funding opportunities arising after TransMAC review in the annual budget cycle, and expenditures included in budget amendments adopted throughout the fiscal year relating to Proposed Expenditures previously reviewed by TransMAC, are not subject to the requirement of the previous sentence. Upon the request of the County

Administrator, TransMAC shall hold a public hearing within 30 days after the request to review Proposed Expenditures not otherwise submitted for TransMAC review in accordance with Section 504.A.1 and not exempted by the previous sentence, and upon such review, or the failure of TransMAC to hold a public hearing within the time required, the requirements of subsections A.1 and B shall be satisfied with respect to such Proposed Expenditures.

- C. *Membership Number and Composition.* The membership of TransMAC shall consist of a number of members equal to the number of members of the board. TransMAC members shall be county residents who are not elected officials. In appointing TransMAC members, the board shall endeavor to include among the membership at least one member that is (i) an engineer; (ii) an accountant, banker, or financial analyst; (iii) an individual active in manufacturing or construction; (iv) an environmental advocate; (v) a civic community leader; (vi) a member of a local watchdog group; and (vii) a frequent user of transit.
- D. *Appointment, nomination, term, reappointment.* The members of TransMAC shall be appointed by the board. Each member of the board shall nominate one TransMAC member. Each TransMAC member shall serve a two-year term that commences and concludes upon the commencement of the nominating board member's term, or the two-year anniversary thereof, as the case may be. Vacancies shall be filled for the remainder of a term in the same manner as original appointment. TransMAC members may serve no more than eight (8) consecutive terms.
- E. *Organization, officers, rules.* TransMAC shall hold an organizational meeting in January of each year, at which TransMAC shall select a chair and vice-chair from among its membership. Further meetings of TransMAC shall be held upon the call of the chair. TransMAC may adopt rules for its operations and proceedings as it deems desirable.
- F. *Staffing and Staff assistance.* The Orange County Comptroller shall serve as the clerk to TransMAC. The board shall annually budget for and pay for the reasonable expenses of TransMAC. TransMAC may retain consultants, experts, and legal counsel as it deems necessary and desirable. The County Administrator and County Administrator's staff shall provide timely clerical and staff support, information, analysis, and documentation to TransMAC and its members upon request in furtherance of its duties.



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Initiative Petitions Committee

Final Report and Recommendation to the Charter Review Commission

March 15, 2024

Committee Members:

Dotti Wynn, Chair
Mark Arias
Erica Jackson
Chuck O'Neal
Alisia Adamson Profit
Eugene Stoccardo

At its May 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") formed the Initiative Petitions Committee to study the current initiative petition process and practice, and determine whether to recommend changes to the Orange County Charter.

Based on its study, the Initiative Petitions Committee recommends certain substantive changes to the initiative petition process, as embodied in the Committee's recommended charter amendment (attached as Exhibit "A"), which the Committee recommends that the CRC place on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview of the Committee Process

The committee held eight (8) meetings from May 2023 through February 2024. The meetings were often attended by several members of the public as well as occasional elected officials and/or their representatives. The committee considered input from the public and elected officials who appeared before the CRC and committee, including Orange County Supervisor of Elections Bill Cowles, District 5 Commissioner Emily Bonilla, and a representative of Comptroller Phil Diamond.

The committee began its work in its May 31, 2023 and June 14, 2023 meetings by reviewing, discussing, and debating the substantial revisions to the charter's initiative petition process initiated by the 2016 CRC, as well as other revisions approved by the voters in 2014 and 2020.

The committee thereafter proceeded to review Sec. 601 (Initiative and referendum), Sec. 602 (Procedure for initiative and referendum), and Sec. 603 (Limitation), line by line, and made a considerable number of proposed revisions.

At its July 14, 2023 meeting, a 4/2 majority of the committee voted to revise Sec. 601 A. to lower the number of signed petitions necessary to propose a charter amendment from **10 percent of registered voters in each commission district** to **5 percent of registered voters in a majority of commission districts**. The purpose of this change was to approximate the number of registered voters required to sign a petition to change the Florida Constitution. In that case 8 percent of the voters in the previous presidential election are needed to move a citizen initiative onto the ballot. Estimating a turnout of 60% in a presidential election multiplied by 8 percent yields 4.8% which the committee rounded up to 5% of all registered voters in Orange County. As in the process of amending the Florida Constitution, the requisite percentage of voters (8% of those who voted in the previous presidential election) must be obtained in the majority of Congressional Districts. Here the committee has applied a similar methodology requiring the requisite number of voters sign the petition in a majority of commission districts.

At the same meeting, a 4/2 majority of the committee voted to revise Sec. 601 B. to lower the number of signed petitions necessary to propose an ordinance from **7 percent of registered voters in each commission district** to **3 percent of registered voters in a majority of commission districts**. Using a similar methodology, the relationship of the percentages of 10% for charter amendments to 7% for ordinances (70%): 4.8% times 70% yields a result of 3.36% which the committee rounded down to 3%. As in the process of amending the Florida Constitution, the requisite percentage of voters must be obtained in the majority of Congressional Districts. Here the committee has applied a similar methodology requiring the requisite number of voters sign the petition in a majority of commission districts.

Both actions also removed language in those subsections requiring that at least 75% of the required signatures be on forms containing the Comptroller's financial impact statement (discussed further below).

At the same meeting, a 4/2 majority of the committee voted to **revise Sec. 602 B. and 602 C. to remove a requirement for the inclusion of an affidavit to be signed by a petition gatherer**, whereby the petition gatherer would provide certain information under oath, including the petition gatherer's name and address, paid or volunteer status, and statements that the petition was signed in the petition gatherer's presence, that the petition signer had sufficient time to read the petition, and that the petition gatherer believes the petition signer's signature to be genuine. (The committee later voted to add back certain petition gather affidavit requirements for paid petition gatherers, to be consistent with state constitutional amendment petition gathering requirements, as discussed below.) The requirement for volunteer petition gatherers to sign an affidavit exposing themselves to criminal prosecution if they were to make an accidental error in identifying the signer's signature to be genuine was deemed by the committee to be an excessive infringement upon the petition gatherer's right to participate in a legitimate civic activity.

At the same meeting, the committee unanimously voted to revise Sec. 602 D. to revise the deadline for the submission of petitions to the Supervisor of Elections to be the “fifth working day of the following month.”

At its September 8, 2023 meeting, the committee considered Sec. 602 E. This subsection currently contains three processes applicable to an initiative petition: (1) review of the initiative petition by a legal review panel; (2) preparation of a financial impact statement by the Comptroller; and (3) a public hearing to be held by the Board of County Commissioners on the initiative petition. Each of these three processes is triggered by verification that an initiative petition has been signed by at least 1% of county voters in each commission district.

The legal review panel consists of three licensed attorneys with demonstrated experience in Florida local government law, selected through the County’s procurement process. They are tasked with reviewing an initiative petition and determining whether it meets single-subject requirements, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the charter. If a majority finds that the initiative petition does not, the petition drive terminates.

The financial impact statement is a not-to-exceed 75-word statement prepared by the Comptroller, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The financial impact statement is to be included as a separate statement on the ballot following the ballot summary for the initiative petition. The financial impact statement is also required to be included in revised initiative petition forms.

Finally, Sec. 602 E. requires that the Board of County Commissioners hold a public hearing on the initiative petition within 60 days after the legal review panel finds the initiative petition legal, at which the sponsor of the initiative petition, the BOCC, and the public can comment on the petition.

At its September 8, 2023 meeting, a 3/1 majority of the committee voted to **delete the entirety of Sec. 602 E., removing the legal review panel, financial impact statement, and public hearing processes, together with the 1% triggering threshold.** The committee was of the opinion that the requirements of Sec. 602 E were so onerous as to discourage the use of the citizen initiative propose changes to the charter. In fact, since the passage of these onerous requirements, no citizens group has attempted this necessary means of citizen involvement in the governance of the county. Article I Section 1 of the Florida Constitution clearly states: “All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.” The committee agreed this sentiment should be reflected in the Orange County charter.

As part of the same motion, the 3/1 majority of the committee voted to **add a provision to Sec. 602 A., requiring that an initiative petition sponsor submit letters from 3**

Florida attorneys stating that they have reviewed the proposed initiative petition, and that in the attorney's legal opinion, the proposed initiative petition meets single-subject requirements, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the charter.

At the same meeting, a 3/2 majority of the committee voted to **revise Sec. 602 F. to remove the process by which a petition signer could withdraw his or her signature** by filing a form with the Supervisor of Elections. In theory the ability to withdraw one's signature appears harmless and yet in practice it has been used to defeat reasonable proposed amendments by targeting voters with misinformation who have signed the petitions in order to reduce the percentages below the requisite threshold. In no other form of voting is a citizen allowed to withdraw his or her vote from a candidate or proposition once cast.

At the same meeting, a 3/2 majority of the committee voted to **revise Sec. 602 G.1. and G.2. to provide that an initiative petition referendum would be held “at the earlier of the next primary or general election** occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections.”

At its October 11, 2023 meeting, the committee reviewed its work to date, and by consensus agreed to add clarifying language to Sec. 602 G.2. relating to the Board of County Commissioners' vote on a proposed ordinance by initiative.

At its October 30, 2023 meeting, the committee received a presentation from Assistant Orange County Comptroller Chris Dawkins concerning the preparation of financial impact statements by the Comptroller's Office.

At its December 11, 2023 meeting, the committee considered a recommendation from Supervisor Cowles' office that, rather than completely deleting all petition gatherer affidavit requirements, the committee instead retain at least the lesser affidavit requirements imposed on paid petition circulators for state constitutional amendments under Sec. 100.371(5), Fla. Stat. Based on that recommendation, the committee voted to revise Sec. 602 B. and C. to require the inclusion of a petition form of the affidavit referenced in that statute, to be completed by paid petition gatherers only.

At that same meeting, the committee received a report from General Counsel Vose, advising about a recent Division of Elections opinion rendered to the Broward County Attorney. In that opinion, the Florida Department of State, Divisions of Elections, reviewed a provision in the Broward County Charter requiring the placement of a separate 75-word financial impact statement on the ballot after a proposed Broward County charter amendment. The Division of Elections came to the conclusion that based on recent case law, the Broward County charter provision was preempted by state law.

The Broward County requirement to place a separate 75-word financial impact statement on the ballot after a proposed charter amendment is substantially similar to the requirement of Sec. 602 G.1. and G.2, providing the same for charter amendments and

ordinances proposed by initiative petition. As a result, Mr. Vose advised that under prevailing election law guidance from the Division of Election, the referenced requirements in Sec. 602 G.1. and G.2 are likely preempted by state law.

Based on this advice, the committee voted to delete the above-referenced requirement for ballot placement of a separate 75-word financial impact statement from Sec. 602 G.1. and G.2.

Finally, at its March 15, 2024 meeting, a 4/2 majority of the committee voted add back in the requirement for the Comptroller's preparation of a financial impact statement, but not the placement of such statement on the ballot, as reflected in the new Sec. 602 E. **At the same meeting, a 4/2 majority of the committee voted to approve this final report and recommendation, including the proposed ballot and charter language attached as Exhibit "A".**

Exhibit “A”

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

AMENDMENT REVISING ORANGE COUNTY CHARTER INITIATIVE PETITION PROCESS

Revising the charter initiative petition process by lowering petition requirements for charter amendments from 10 percent of registered voters in each commission district to 5 percent in a majority of districts, and for ordinances from 7 percent in each district to 3 percent in a majority of districts; removing signature withdrawal procedures; and revising financial impact statement, public hearing, legal review, and petition affidavit requirements.

_____ 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:

Sec. 601. Initiative and referendum.

The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.

- A. *Charter.* A petition seeking to amend or repeal the Charter of Orange County shall be signed by five (5) ~~ten (10)~~ percent of the county electors in a majority of commission districts ~~each commission district~~ as of January 1 of the year in which the petition is initiated. ~~No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3.~~
- B. *Ordinance.* A petition seeking to enact, amend or repeal an ordinance shall be signed by three (3) ~~seven (7)~~ percent of the county electors in a majority of commission districts ~~each commission district~~ as of January 1 of the year in which petition is initiated. ~~No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3.~~

Sec. 602. Procedure for initiative and referendum.

- A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot, and shall submit letters from three (3) attorneys licensed to practice law in the state of Florida, each stating that the attorney has reviewed the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, and that in the attorney's legal opinion, the proposed initiative petition embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of section 603. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. ~~The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing).~~ In the event sufficient signatures are not submitted during that one-hundred-eighty-day period ~~(as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.),~~ the petition drive shall be rendered null and void and none of the signatures may be carried over onto another petition. If sufficient signatures are submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.
- B. *Form of petition.* The form on which signatures will be affixed shall contain the ballot title, ballot summary, and full text of the charter or ordinance change proposed. Such form shall also contain the form of affidavit referenced in F.S. § 100.371(5). ~~Such form shall also contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer under penalty of perjury pursuant to F.S. § 92.525(1)(c), for each petition gathered by that petition gatherer. Such affidavit shall specify the name and address of the petition gatherer who gathered the petition, whether the petition gatherer was a paid petition gatherer or a volunteer petition gatherer, and if paid, whether paid on an hourly basis, a per signature basis, or some other basis therein described. Such affidavit shall also specify that the petition was signed in the petition gatherer's presence, that the petition signer had sufficient time to read the petition language, and that the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.~~
- C. *Petition gathering.* As used in this Charter, "petition gatherer" means any individual who gathers signatures in person for a county initiative petition. A petition gatherer gathering signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "volunteer gatherer", in a form and manner specified by

ordinance. A petition gatherer gathering signatures for a county initiative petition who is being paid to do so shall display a badge that states the words "paid gatherer", in a form and manner specified by ordinance. Petition forms gathered by a paid gatherer shall contained a completed affidavit referenced in F.S. § 100.371(5), signed by the paid gatherer. The petition gatherer shall sign and verify under penalty of perjury pursuant to F.S. § 92.525(1)(c) the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to F.S. § 92.525(1)(c), averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.

- D. *Submission of signed petitions gathered by petition gatherers; verification of requisite signatures.* The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the supervisor of elections for signature verification no later than the fifth working day of the following month. The supervisor of elections shall verify the validity of signatures for each signed petition submitted within thirty (30) days after submittal to the supervisor of elections. No signature shall be valid unless handwritten and submitted on a paper petition form completed and submitted in a manner consistent with this section. The supervisor of elections shall post a running tally of the number of signatures verified for each initiative petition on the supervisor of elections' website for public view. Otherwise valid signatures not timely submitted to the supervisor of elections shall not be counted towards the total number of signatures required under Section 601.

E. ~~Legal review, financial impact; public hearing.~~

1. ~~One (1) percent threshold.~~ Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.
2. ~~Legal review panel.~~ The legal review panel shall be a panel of three (3) persons licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's procurement process applicable to legal services. The legal review panel shall meet and render a determination, within twenty (20) days after notification pursuant to section 602.E.1. by the supervisor of elections, whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter. If at least two (2) members of the legal review panel determine that the proposed initiative petition embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the

~~Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. If at least two (2) members of the legal review panel determine that the proposed initiative petition does not embrace but one (1) subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. In such case, the petition drive shall thereafter terminate, and none of the signatures acquired in such a petition drive may be carried over onto another petition.~~

- ~~3. *Financial impact statement.* Within twenty (20) days after notification pursuant to section 602 E. 1. by the supervisor of elections, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, not exceeding seventy five (75) words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The comptroller shall also prepare translations of the financial impact statement into those languages required by law for placement on the ballot. Upon receipt of the financial impact statement, the sponsor of the petition shall prepare and submit to the supervisor of elections for review and approval a revised petition form containing the financial impact statement, which statement shall be separately contained and placed immediately following the ballot summary. The supervisor of elections shall, within fifteen (15) days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.~~
- ~~4. *Public hearing.* Within sixty (60) days after notification of legality by the legal review panel, the board shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the board, and the public may comment on the petition.~~

E. *Financial impact statement.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors, the supervisor of elections shall within ten (10) days so notify the board and the comptroller. Within twenty (20) days after such notification, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition.

F. *Termination of petition drive by sponsor; withdrawal of signature by petition signer.* A sponsor of an initiative petition may terminate a petition drive by filing with the supervisor of elections a completed initiative termination form promulgated by the supervisor of elections. Prior to final verification of sufficient signatures for an initiative petition by the

~~supervisor of elections, a petition signer may withdraw his or her signature by filing with the supervisor of elections a completed signature withdrawal form adequately identifying the petition signer and petition drive, promulgated by the supervisor of elections and available to print from the supervisor of elections' website.~~

G. *Referendum.*

1. *Charter.* After the requisite number of signatures have been verified by the supervisor of elections, a referendum shall be held on the question of the adoption of the proposed petition at the earlier of the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. ~~The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary.~~ If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year. A charter amendment adopted by initiative may not be amended or repealed for a period of one (1) year after its effective date.
2. *Ordinance.* Within thirty (30) days after the requisite number of signatures have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on whether to adopt the proposed petition as an ordinance~~it~~. If the board fails to adopt the proposed petition, the board shall so notify the supervisor of elections, and a referendum shall be held on the question of the adoption of the proposed petition at the earlier of the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. ~~The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary.~~ If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.
3. The initiative power shall not be restricted, except as provided by general law and this Charter.
4. Charter amendments and ordinances by initiative appearing on the ballot shall be numbered using alphabet lettering and placed in the following order: first, charter amendments proposed by the Charter review commission; next, charter amendments proposed by the board; next, charter amendments proposed by initiative petition; and last, ordinances by initiative. In each case, the article and

section of the charter or code of ordinances being created or amended shall be stated along with the title.

Sec. 603. Limitation.

- A. The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.
- B. The power to amend this charter by initiative, or to enact, amend or repeal an ordinance by initiative, shall not extend to the regulation of employer wages, benefits or hours of work, the encumbrance or allocation of tax revenues for any purpose not then authorized by law, or the encumbrance or allocation of tax revenues conditioned upon a prospective change in Florida law.
- C. Notwithstanding any other provision of this charter, the board is prohibited from declaring enacted any ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.



GRETCHEN R.H. ("BECKY") VOSE[†]
WADE C. VOSE^{†‡}
NANCY A. STUPARICH
PAUL R. WATERS
GARRETT M. OLSEN
STEPHANIE M. VELO
CHLOE E. BERRYMAN

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
FORT MYERS
BRADENTON
COCOA BEACH

M E M O R A N D U M

TO: 2024 Orange County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: April 10, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

Pursuant to the requirements of Sec. 702.B. of the Charter, please find attached as Exhibit "A" a revised ballot summary adding a summary of the Comptroller's financial impact statement relating to the proposed charter amendment revising the charter initiative petition process. The language added to the ballot summary is as follows: "Estimated financial impact: \$7,000 savings per proposed ballot question."

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit "A". With the exception of the correction of a scrivener's error in Sec. 602.C. noted at the CRC's April 2, 2024 meeting, such text remains unchanged from that reported out by the Initiative Petitions Committee.

COUNSEL TO EXTRAORDINARY GOVERNMENTS & LEADERS THROUGHOUT FLORIDA SINCE 1973

324 W. MORSE BOULEVARD • WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 645-3735 • FACSIMILE: (407) 628-5670 • TOLL FREE: (866) 789-VOSE
INTERNATIONAL TEL. (LONDON, ENGLAND): +44 (0)20 3355 1473 • INTERNET: WWW.VOSELAW.COM

Exhibit “A”

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

**AMENDMENT REVISING ORANGE COUNTY
CHARTER INITIATIVE PETITION PROCESS**

Revising the charter initiative petition process by lowering petition requirements for charter amendments from 10 percent of registered voters in each commission district to 5 percent in a majority of districts, and for ordinances from 7 percent in each district to 3 percent in a majority of districts; removing signature withdrawal procedures; and revising financial impact statement, public hearing, legal review, and petition affidavit requirements. Estimated financial impact: \$7,000 savings per proposed ballot question.

____ 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:

Sec. 601. Initiative and referendum.

The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.

- A. *Charter.* A petition seeking to amend or repeal the Charter of Orange County shall be signed by five (5) ~~ten (10)~~ percent of the county electors in a majority of commission districts ~~each commission district~~ as of January 1 of the year in which the petition is initiated. ~~No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3.~~
- B. *Ordinance.* A petition seeking to enact, amend or repeal an ordinance shall be signed by three (3) ~~seven (7)~~ percent of the county electors in a majority of commission districts ~~each commission district~~ as of January 1 of the year in which petition is initiated. ~~No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3.~~

Sec. 602. Procedure for initiative and referendum.

Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

April 10, 2024

Page 3 of 7

- A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot, and shall submit letters from three (3) attorneys licensed to practice law in the state of Florida, each stating that the attorney has reviewed the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, and that in the attorney's legal opinion, the proposed initiative petition embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of section 603. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. ~~The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing).~~ In the event sufficient signatures are not submitted during that one-hundred-eighty-day period ~~(as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.),~~ the petition drive shall be rendered null and void and none of the signatures may be carried over onto another petition. If sufficient signatures are submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.
- B. *Form of petition.* The form on which signatures will be affixed shall contain the ballot title, ballot summary, and full text of the charter or ordinance change proposed. Such form shall also contain the form of affidavit referenced in F.S. § 100.371(5). ~~Such form shall also contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer under penalty of perjury pursuant to F.S. § 92.525(1)(c), for each petition gathered by that petition gatherer. Such affidavit shall specify the name and address of the petition gatherer who gathered the petition, whether the petition gatherer was a paid petition gatherer or a volunteer petition gatherer, and if paid, whether paid on an hourly basis, a per signature basis, or some other basis therein described. Such affidavit shall also specify that the petition was signed in the petition gatherer's presence, that the petition signer had sufficient time to read the petition language, and that the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.~~
- C. *Petition gathering.* As used in this Charter, "petition gatherer" means any individual who gathers signatures in person for a county initiative petition. A petition gatherer gathering

Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

April 10, 2024

Page 4 of 7

signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "volunteer gatherer", in a form and manner specified by ordinance. A petition gatherer gathering signatures for a county initiative petition who is being paid to do so shall display a badge that states the words "paid gatherer", in a form and manner specified by ordinance. Petition forms gathered by a paid gatherer shall contain a completed affidavit referenced in F.S. § 100.371(5), signed by the paid gatherer. ~~The petition gatherer shall sign and verify under penalty of perjury pursuant to F.S. § 92.525(1)(c) the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to F.S. § 92.525(1)(c), averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.~~

- D. *Submission of signed petitions gathered by petition gatherers; verification of requisite signatures.* The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the supervisor of elections for signature verification no later than the fifth working day of the following month. The supervisor of elections shall verify the validity of signatures for each signed petition submitted within thirty (30) days after submittal to the supervisor of elections. No signature shall be valid unless handwritten and submitted on a paper petition form completed and submitted in a manner consistent with this section. The supervisor of elections shall post a running tally of the number of signatures verified for each initiative petition on the supervisor of elections' website for public view. Otherwise valid signatures not timely submitted to the supervisor of elections shall not be counted towards the total number of signatures required under Section 601.

E. ~~*Legal review, financial impact; public hearing.*~~

1. ~~*One (1) percent threshold.*~~ Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.
2. ~~*Legal review panel.*~~ The legal review panel shall be a panel of three (3) persons licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's procurement process applicable to legal services. The legal review panel shall meet and render a determination, within twenty (20) days after notification pursuant to section 602.E.1. by the supervisor of elections, whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution,

Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

April 10, 2024

Page 5 of 7

~~general law, or the restrictions of the Charter. If at least two (2) members of the legal review panel determine that the proposed initiative petition embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. If at least two (2) members of the legal review panel determine that the proposed initiative petition does not embrace but one (1) subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. In such case, the petition drive shall thereafter terminate, and none of the signatures acquired in such a petition drive may be carried over onto another petition.~~

3. ~~*Financial impact statement.* Within twenty (20) days after notification pursuant to section 602 E. 1. by the supervisor of elections, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, not exceeding seventy five (75) words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The comptroller shall also prepare translations of the financial impact statement into those languages required by law for placement on the ballot. Upon receipt of the financial impact statement, the sponsor of the petition shall prepare and submit to the supervisor of elections for review and approval a revised petition form containing the financial impact statement, which statement shall be separately contained and placed immediately following the ballot summary. The supervisor of elections shall, within fifteen (15) days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.~~

4. ~~*Public hearing.* Within sixty (60) days after notification of legality by the legal review panel, the board shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the board, and the public may comment on the petition.~~

E. *Financial impact statement.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors, the supervisor of elections shall within ten (10) days so notify the board and the comptroller. Within twenty (20) days after such notification, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition.

Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

April 10, 2024

Page 6 of 7

- F. *Termination of petition drive by sponsor; ~~withdrawal of signature by petition signer.~~* A sponsor of an initiative petition may terminate a petition drive by filing with the supervisor of elections a completed initiative termination form promulgated by the supervisor of elections. ~~Prior to final verification of sufficient signatures for an initiative petition by the supervisor of elections, a petition signer may withdraw his or her signature by filing with the supervisor of elections a completed signature withdrawal form adequately identifying the petition signer and petition drive, promulgated by the supervisor of elections and available to print from the supervisor of elections' website.~~
- G. *Referendum.*
1. *Charter.* After the requisite number of signatures have been verified by the supervisor of elections, a referendum shall be held on the question of the adoption of the proposed petition at the earlier of the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. ~~The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary.~~ If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year. A charter amendment adopted by initiative may not be amended or repealed for a period of one (1) year after its effective date.
 2. *Ordinance.* Within thirty (30) days after the requisite number of signatures have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on whether to adopt the proposed petition as an ordinance ~~it~~. If the board fails to adopt the proposed petition, the board shall so notify the supervisor of elections, and a referendum shall be held on the question of the adoption of the proposed petition at the earlier of the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. ~~The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary.~~ If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.
 3. The initiative power shall not be restricted, except as provided by general law and this Charter.

Revised Ballot Summary Adding Financial Impact Summary – Initiative Petitions Charter Amendment

April 10, 2024

Page 7 of 7

4. Charter amendments and ordinances by initiative appearing on the ballot shall be numbered using alphabet lettering and placed in the following order: first, charter amendments proposed by the Charter review commission; next, charter amendments proposed by the board; next, charter amendments proposed by initiative petition; and last, ordinances by initiative. In each case, the article and section of the charter or code of ordinances being created or amended shall be stated along with the title.

Sec. 603. Limitation.

- A. The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.
- B. The power to amend this charter by initiative, or to enact, amend or repeal an ordinance by initiative, shall not extend to the regulation of employer wages, benefits or hours of work, the encumbrance or allocation of tax revenues for any purpose not then authorized by law, or the encumbrance or allocation of tax revenues conditioned upon a prospective change in Florida law.
- C. Notwithstanding any other provision of this charter, the board is prohibited from declaring enacted any ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

Phil Diamond, CPA
County Comptroller
201 S. Rosalind Avenue
P.O. Box 38
Orlando FL 32802
Telephone: (407) 836-5690
Fax: (407) 836-5599
Web page: www.occompt.com

DATE: April 10, 2024

TO: Orange County Charter Review Commission

FROM: Phil Diamond, CPA, Orange County Comptroller *PAD*

SUBJECT: Financial Analysis of the Initiative Petitions Committee's Proposed Charter Amendment Revising the Initiative Petition Process

As requested, attached you will find our office's analysis and financial impact statement related to the Initiative Petitions Committee's proposed Charter Amendment which would revise the initiative petition process. This analysis is based on the proposed language that was recommended out of the Initiative Petitions Committee, and would potentially be subject to change if the full Charter Review Committee approved changes to the final language.

Should you have any questions or need additional information, please contact our office.

Initiative Petitions Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: Savings of \$7,000 per proposed ballot question

Financial Analysis and Impact

1. Estimated increase or decrease in any revenues to Orange County or local government agencies:

This proposed Charter amendment does not appear to have any impact on Orange County revenues or other local government revenues.

2. Expenditures:

This proposed Charter amendment would result in an estimated decrease of expenditures to the County in the amount \$7,000 per ballot question. The cost savings is related the legal panel that reviews petition questions changing from being the cost and administrative responsibility of the County, and moves it to the sponsor of the ballot question. The estimated \$7,000 savings is composed of \$700 to complete a request for proposal process to choose the three attorneys, and \$6,300 in legal services for the three attorneys selected to review the ballot question. Based on information provided by the Supervisor of Elections Office, the Comptroller's Office expects no additional cost, nor cost savings, related to the responsibilities of that office under the proposed changes.

