

# Orange County Government

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



## Charter Review Commission Agenda - Final

**Wednesday, May 8, 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-24-121 Approval and execution of the minutes of the April 15, 2024 meeting of the Charter Review Commission (CRC).

Attachments: 2024-04-15 CRC Draft Meeting Minutes

**V. Acceptance of Committee Final Reports**

- A. CRC-24-113 Governmental Structure Committee - Term Limits  
(Recommending No Action)

- B. CRC-24-114 Governmental Structure Committee - County Administrator  
(Recommending No Action)

- C. CRC-24-125 Sustainable Growth & Charter Clean Up Committee - Supermajority County Commission Vote To Dispose Of Or Change Use Of "County Protected Lands"  
(Recommending Charter Amendment)

Attachments: 2024-05-08 V. C. County Protected Lands Final Report & Rec

- D. CRC-24-126 Sustainable Growth & Charter Clean Up Committee - Requiring Adoption of a Fiscal Sustainability Analysis Tool  
(Recommending Charter Amendment)

Attachments: 2024-05-08 V. D. Fiscal Analysis Tool Final Report & Rec

- E. CRC-24-127 Sustainable Growth & Charter Clean Up Committee - Rural Boundary  
(Recommending Charter Amendment)

Attachments: 2024-05-08 V. E. Revised Rural Boundary Final Report & Rec

**VI. Committee Recommendation Public Hearings**

- A. CRC-24-129 Sustainable Growth & Charter Clean Up Committee - Rural Boundary  
(First of Two Public Hearings / Votes)

1. Public Comment

## 2. CRC Discussion and First Vote

**Attachments:** [2024-05-08 VI. A. Revised Rural Boundary Final Report & Rec](#)

- B. CRC-24-128** Sustainable Growth & Charter Clean Up Committee - Consideration of the proposed amendment concerning a supermajority County Commission vote to dispose of or change use of “County Protected Lands” (First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and First Vote

**Attachments:** [2024-05-08 VI. B. County Protected Lands Final Report & Rec](#)

- C. CRC-24-134** Sustainable Growth & Charter Clean Up Committee - Requiring Adoption of a Fiscal Sustainability Analysis Tool (First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and First Vote

**Attachments:** [2024-05-08 VI. C. Fiscal Analysis Tool Final Report & Rec](#)

- D. CRC-24-132** Sustainable Growth & Charter Clean Up Committee - Consideration of the proposed amendment requiring the continued existence of an Affordable Housing Trust Fund (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

**Attachments:** [2024-05-08 VI. D. 1. Affordable Housing Final Report & Rec](#)

[2024-05-08 VI. D. 2. Revised Ballot Summary Adding FIS - Affordable Housing](#)

[2024-05-08 VI. D. 3. Affordable Housing FIS Package](#)

- E. CRC-24-130** Governmental Structure Committee - Consideration of the proposed amendment concerning the write-in candidate effect on timing of Charter officer elections (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

**Attachments:** [2024-05-08 VI. E. 1. Write-In Candidates Final Report & Rec](#)

[2024-05-08 VI. E. 2. Revised Ballot Summary Adding FIS - Write-In](#)

[2024-05-08 VI. E. 3. Write-In Candidates FIS Package](#)

- F. CRC-24-131** Transportation Committee - Consideration of the proposed amendment creating the Transportation Mobility Advisory Commission (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

**Attachments:**     2024-05-08 VI. F. 1. Transportation Final Report & Rec

**VII. Member Comments**

# Orange County Government

*Orange County Administration Center  
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## **Draft Meeting Minutes**

**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**

The meeting was called to order at 6:01 p.m.

**Present:** 13 - 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 Chuck O'Neal, and Member Beverly Winesburgh

**Absent:** 2 - Member Dick Batchelor, and Member Cornita A. Riley

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  
Minutes Coordinator Terrell Hightower

**Pledge of Allegiance****I. Roll Call**

Members Present: Member Jackson, Member de la Portilla, Member Winesburgh, Member Arias, Member Bagga, Member Wynn, Chair Hartage, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Adamson Profit. A quorum was established and the meeting was called to order.

CRC Chair Hartage acknowledged Member Callan joined the meeting, after roll call.

**II. Chair / Vice Chair Comments**

CRC Chair Hartage thanked all of the committees for their hard work. CRC Chair Hartage coordinated with CRC Staff to schedule two additional CRC meetings for May 8 and May 30, 2024. CRC Staff proposed the last regular business meeting would be May 30, 2024, at 6 p.m. CRC Chair Hartage requested CRC members check their calendars for May 8, and May 30, 2024, at 6 p.m.

CRC Chair Hartage addressed the CRC regarding tonight's proceedings and indicated the Committee Chairs will present their final reports and recommendations. He added if the Committee reports are accepted by the full CRC, the first of two Committee recommendation public hearings would occur later tonight. If the CRC rejects the report and recommendation from the Committee Chair the topic will not proceed any further.

CRC Chair Hartage requested CRC Staff contact the CRC members to confirm their availability for the two additional meetings. He addressed the difficulties scheduling additional meetings in order to accommodate the CRC members schedule with the availability of the BCC Chambers

scheduled in May. General Counsel Vose contributed to the discussion. Member Adamson Profit indicated she is unavailable on May 8, 2024, and Member Callan indicated he is unavailable on May 30, 2024. CRC Chair Hartage requested when CRC members are contacted by CRC Staff that they respond immediately.

### III. Public Comment

The following persons addressed the CRC during public comment:

- Mark Bender
- Kayleigh Watkins

CRC Chair Hartage encouraged Committee Chairs to reach out to the County Commissioners for dialogue. He invited all elected officials to attend the upcoming full CRC meetings.

CRC Chair Hartage acknowledged Vice Chair Chira joined the meeting.

The following person addressed the CRC during public comment (continued): Samuel Vilchez.

### 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).

A motion was made by Member Wynn, seconded by Member Winesburgh, to approve the minutes of March 18, 2024. The motion carried by the following vote:

**Aye:** 13 - 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 O'Neal, and Member Winesburgh

**Absent:** 2 - Member Batchelor, and Member Riley

### V. Committee Meeting Updates

- A. **CRC-24-103** Governmental Structure Committee Meeting Held on April 5, 2024 (Committee Chair de la Portilla)

Committee Chair de la Portilla thanked District 5 Commissioner Bonilla for her letter provided by her office. He indicated he spoke with Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Scott to obtain their perspective on the seven (7) topics reviewed during the course of the Governmental Structure Committee meetings. Committee Chair de la Portilla provided an update of the meeting held on April 15, 2024, at which the committee voted unanimously to recommend language restoring the Office of the County Attorney in the Charter. Furthermore, the committee voted against extending the term limits thus, the action of the committee kept the term limits to two (2) four year terms as it currently stands. Committee Chair de la Portilla provided a brief overview of non-partisan elections, proposed by Member O'Neal and that the current election system allows a candidate to

qualify by write-in. If two (2) candidates are running, the election is decided in November. If the write-in candidate can qualify, it will trigger an election in August. Committee Chair de la Portilla announced on Friday, April 19, 2024, the committee will hold their final committee meeting. At that committee meeting, CRC General Counsel Vose will present proposed ballot language concerning the qualification of the write-in candidate. If the proposal is approved by the committee, the committee will present the recommendation to the full CRC for a vote.

**B. CRC-24-104 Sustainable Growth & Charter Clean Up Committee Meeting Held on April 5, 2024 (Committee Chair Grimmer)**

Committee Chair Grimmer provided an update of the Sustainable Growth and Charter Clean Up Committee meeting held on April 5, 2024. He reported that the committee voted unanimously to recommend incorporating the Affordable Housing Trust Fund into the County Charter with its existence and funding source in perpetuity. He expects the committee's recommendation will come before the full CRC at an upcoming meeting. Committee Chair Grimmer added the committee continues to discuss other topics within the committee's purview such as the rural boundary, conservation of parks lands and conversation lands, and the financial feasibility tool. Committee Chair Grimmer announced the next committee meeting is scheduled for Friday, April 19, 2024, at 11:00 a.m.

**VI. Acceptance of Committee Final Reports**

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

Committee Chair de la Portilla provided the history of the County Charter, with regards to the creation of the office of the County Attorney, and previous amendments voted by the citizens. The committee heard testimony from former Orange County Mayors, Linda Chapin and Teresa Jacobs, current Orange County Mayor Jerry Demings, former Orange County Attorney Tom Wilkes, and current County Attorney Jeff Newton. He added that the committee has proposed ballot language recommending the full CRC restore Section 403, creating the Charter Office of the County Attorney. Committee Chair de la Portilla went on record stating that County Attorney Jeff Newton is in agreement with the proposed amendment. Committee Chair de la Portilla read the proposed ballot language as follows:

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. Civil facilities.
8. ~~Legal services.~~

Committee Chair de la Portilla recommended the full CRC accept the proposed language in the committee's final report.

CRC General Counsel Vose indicated that the final report was put together at the direction of the committee by Committee Chair de la Portilla and himself. General Counsel Vose explained that the final report lays out legal implications and noted that the proposed amendment is in affect a revival of the Section 403 from the original 1986 County Charter with minor revisions. One of the revisions is that the County Attorney would be appointed by the County Mayor and confirmed by majority of the full County Commission and with the authority to remove, vested in both, the County Mayor and the Board of County Commissioners. He added that new Section 403 explains the primary duty of the County Attorney. The committee included in this section to provide clarification to the County Commissioners who raised concerns about the County Attorney's Office and who the County Attorney provides legal advice to. CRC Chair Hartage requested further clarification from CRC General Counsel Vose regarding the removal of the County Attorney. CRC General Counsel Vose explained that currently, as the County Attorney as a department head, the position is appointed by the County Mayor, and then confirmed, annually, by the Board of County Commissioners, which means, yearly upon confirmation time, the Board of County Commissioners could choose to withhold the confirmation. CRC General Counsel added that the proposed amendment appoints the County Mayor and the Board of County Commissioners confirms the appointment, but the power to terminate resides, at any time, with either the Mayor or the Board of County Commissioners. CRC Chair Hartage requested additional clarification on how the Mayor or Board of County Commissioners could terminate the County Attorney. CRC General Counsel provided further clarification stating that termination could occur one of two ways. Either the Mayor alone could remove the County Attorney or a majority vote of the full Board of County Commissioners, at a Board meeting, could vote to remove the County Attorney from their position. One other important issue raised by CRC General Counsel was regarding the Commissioners'

concerns for legal representation from the County Attorney's Office, the revival of Section 403 states that the County Attorney and all assistant county attorneys shall represent the whole county government and all of its components and not solely the County Mayor. Discussion ensued. CRC General Counsel Vose contributed to the discussion.

A motion was made by Committee Chair de la Portilla, seconded by Member Stoccardo, that the full Charter Review Commission adopt the language as written "Amending the Orange County Charter to establish an office of the County Attorney, who shall be the County Attorney's chief legal counsel, appointed by the County Mayor and confirmed by a majority vote of the full County Commission, and removed by either the County Mayor or a majority of the full County Commission"; and further, strike Section 402, #8 Legal Services. CRC Chair Hartage restated the motion as follows: to accept the Final Report of the Governmental Structure Committee; and further, move the topic to the first public hearing. The motion carried by the following vote:

**Aye:** 13 - Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member Bagga, Member O'Neal, Member Stoccardo, and Member Adamson Profit

**Absent:** 2 - Member Batchelor, and Member Riley

Committee Chair de la Portilla asked if the motion the CRC voted on was the first public hearing. CRC Chair Hartage indicated the motion was only to accept the report of the committee and stated there will be two public hearings held to consider and vote on the recommendation. CRC General Counsel Vose explained this recommendation of the Governmental Structure Committee will hold the first of two public hearings later in tonight's agenda. CRC Chair Hartage explained the adopted bylaws allows the CRC to hold the public hearing and acceptance of the final report at the same meeting. CRC Chair Hartage stated that tonight's scheduled public hearings were properly noticed. Discussion ensued.

**B. CRC-24-107 Transportation Committee**

Committee Chair Callan thanked CRC Members Rishi Bagga, Eric Grimmer, Chuck O'Neal, and Eugene Stoccardo for serving on the committee. He also thanked County Staff who attended the committee meetings and participated in drafting the language to the proposed amendment. Committee Chair Callan provided a brief overview of the committee's work over the past several months. Committee Chair Callan explained the concept behind the Transportation Mobility Advisory Commission ("TransMAC"), is to review public transportation and consider new innovative transportation technologies and emerging markets. He added the purpose is to have a procedure in place, that any expenditure on transportation for an upcoming budget, must first be reviewed, publicly, in an open setting, by the Transportation Mobility Advisory Commission. Committee Chair Callan informed that the committee voted unanimously to advance this topic to the full CRC for consideration. Committee Chair Callan highlighted some of the functions and duties of the TransMAC such as Transportation Expenditure Review and Recommendation, Mobility Evolution and Enhancement, Mandatory Review of Transportation Funding, Membership Number and Composition, Appointment, Nomination, and Term Reappointments, Staffing and Staff assistance. Discussion ensued amongst the CRC members regarding the definition of

transportation, monitoring projects until their completion, the transportation sales tax initiative, transportation impact fees, sustainability of the County's transportation system, the difference between TransMAC and Planning and Zoning Commission (PZC), and a transparent transportation commission for the citizens.

A motion was made by Committee Chair Callan, seconded by CRC Chair Hartage, to accept the Final Report of the Transportation Committee; and further, move the item to the first reading public hearing. The motion carried by the following vote:

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

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

## VII. Committee Recommendation Public Hearings

CRC Chair Hartage opened the first of three public hearings scheduled for tonight.

- 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

The following persons addressed the CRC:

- Ed Williams
- Sonya Stevenson

Discussion ensued amongst CRC members regarding representation of municipalities on: TransMAC, setting up a better structure in order for the public to determine their transportation needs and further, communicating those needs to the Board of County Commissioners, changing the membership number and composition of TransMAC, a countywide transportation system analysis, and the purpose of TransMAC. Discussion ensued regarding changing the amount of members to the TransMAC Committee. CRC General Counsel Vose recommended any further changes to the Charter amendments brought forward by the Committees should be consistent and precise in order for these changes to be incorporated at the first reading public hearing in order to allow for these changes to be considered and voted on at the second and final public hearing.

A motion was made by Member Callan, seconded by Member Grimmer, to approve the TransMAC Charter Amendment, the Charter language, and Staff Report for the first public hearing; and further, advance to the second public hearing. The motion carried by the following vote:

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

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

- 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

Committee Chair de la Portilla presented the proposed Charter amendment to re-establish the Office of the County Attorney in the Orange County Charter as it was first established in 1986, and then deleted in 1988. Committee Chair de la Portilla reviewed the proposed ballot language as follows:

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. Civil facilities.
8. ~~Legal services.~~

The following person addressed the CRC: Ed Williams.

Discussion ensued amongst the CRC members relating to feedback from the County Commissioners following the drafting of the proposed ballot language, the concerns of the County Commissioners' for adequate legal representation, attorney-client privilege, budget funding for a special legal counsel, and an assigned attorney exclusively for the Board. CRC General Counsel Vose contributed to the discussion; and further, clarified the proposed charter amendment identifying the County's client as the County Government.

CRC Chair Hartage asked for clarification on who or what constitutes the County, which, the county attorney is representing. Member Callan explained that the Charter has an executive and legislative body. He added that if a County Commissioner speaks with the County Attorney about an executive matter, under the Charter, the Mayor is the authoritative figure to make the decisions. When it's a legislative matter, the Mayor is equal to the other six (6) Board of County Commissioners. Discussion ensued.

Member O'Neal called the question to end discussion, however, CRC Chair Hartage requested holding off calling of question.

Discussion ensued amongst CRC members whether the proposed language fixes the problem of providing legal representation to Board members.

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

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

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

A motion was made by Committee Chair de la Portilla, seconded by Member Callan, to accept the language by amending the Orange County Charter to establish an Office of the County Attorney who shall be the County Attorney's Chief Legal Counsel appointed by the County Mayor and confirmed by the majority of the full County Commission and removed by either the County Mayor or majority of the full Commission; and further, strike Section 402, A.8. Legal Services. The motion carried by the following vote:

**Aye:** 11 - Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Chira, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member O'Neal, and Member Winesburgh

**Nay:** 1 - Member Hartage

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

**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

CRC Chair Hartage recognized Initiative Petitions Committee Chair Dottie Wynn; and further, stated CRC General Counsel Vose will present the Initiative Petitions Committee's final recommendation report. CRC Chair Hartage advised the CRC that this is the second public hearing. This topic passed at the first public hearing and if the CRC passes the topic through the second public hearing, this means that the CRC is recommending this item be placed on the ballot.

CRC Chair Hartage explained that the Initiative Petition is to clarify and simplify the language in the Charter that allows citizens to campaign, advertise, and bring issues to the ballot for the voters to approve.

Committee Chair Wynn thanked the members of the committee and also CRC General Counsel Vose for all of their hard work during the process. She recommended CRC General Counsel Vose present the proposed ballot language to the full CRC.

CRC General Counsel Vose confirmed CRC Chair Hartage's statement that this is the second vote to place this Charter amendment onto the ballot. CRC General Counsel Vose briefly highlighted the major points in the proposed Charter amendment. He added that the only revision to the ballot summary language is the addition of a summary of the estimated financial impact provided by the Comptroller's Office as required by the Charter.

CRC General Counsel Vose provided a brief overview of the provisions of the amendment are as follows:

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 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.~~

In addition to the reduction of numerical requirements, CRC General Counsel Vosed indicated there were a number of revisions relating to Legal Review, Petition Affidavit Requirements, Financial Impact Statement, and Public Hearings.

Regarding the revisions to Legal Review, CRC General Counsel Vose explained that the existing Legal Review Panel would be removed and replaced by letters from three (3) attorneys of the Florida Bar Association completed by the petition sponsor stating that the Charter amendment or ordinance by initiative is not inconsistent with general law or the prohibitions of the Charter.

The financial impact statement will still be prepared by the Comptroller's Office with regards to a proposed Charter amendment or ordinance by initiative, however, there is no requirement that it needs to be placed on the ballot.

As to the Petition Affidavit Requirements, the proposed amendment reduces the affidavit requirements that are incorporated into the petitions that are collected. This is contrary to what is currently in the Charter, which requires both volunteer and paid petition gatherers to fill out an affidavit and sign them under oath. The amendment is different from State law that applies only to paid petition gatherers.

The proposed amendment also removes the signature withdrawal procedures that were put into the County Charter by the 2016 Charter Review Initiative Petitions Amendment.

Finally, as to the additional language in the ballot summary, the estimated financial impact is a \$7,000 savings per proposed ballot question. In 2016, the estimated financial impact summary was a \$7,000 increase per ballot question.

Discussion ensued amongst CRC members regarding the procedure of placing amendments on the ballot, the initiative petition process, the difference of placing an amendment on the ballot by Charter or Ordinance, volunteer petition gatherers, the percentage of petition gathering, frivolous petitions, State law constitutional amendments, general election turnout, amendments on the ballot, signature withdrawals and majority of districts. CRC General Counsel Vose contributed to the discussion.

Member de la Portilla suggested a change to the language in the ballot summary regarding the majority districts. He indicated that a petition gatherer could gather petition signatures in four of the six commission districts, thus excluding two commission districts from the process. Member de la Portilla suggested striking "in a majority of districts" from the proposed amendment. Discussion ensued. General Counsel Vose contributed to the discussion. Based upon Member de la Portilla's suggestion, General Counsel Vose recommended changing the ballot summary and text revisions to reflect the striking of "in a majority of districts" and replaced by "in each commission district." CRC Chair Hartage agreed with the recommendation.

The proposed changes to the ballot summary and text revisions, Section 601. Initiative and referendum. A. Charter and B. Ordinance are shown as presented:

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~~ in each commission district, and for ordinances from 7 percent in each district to 3 percent ~~in a majority of districts~~ in each commission district; 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 in each commission district~~ 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 in each commission district~~ 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.~~

A motion was made by CRC Chair Hartage, seconded by Vice Chair Chira, to accept the recommendation of the Initiative Petitions Committee; and further, strike the language which states "in a majority of commission districts" and replace with "in each commission district" in the ballot summary and text revisions, Section 601. Initiative and referendum, A. Charter and B. Ordinance, as presented. No vote taken. Discussion ensued. CRC General Counsel contributed to the discussion.

A motion was made by Member O'Neal, seconded by Member Wynn, to call the question to end discussion. The motion carried by the following vote:

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

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

A motion was made by CRC Chair Hartage, seconded by Vice Chair Chira, to accept the recommendation of the Initiative Petitions Committee; and further, strike the language which states "in a majority of commission districts" and replace with "in each commission district" in the ballot summary and text revisions, Section 601. Initiative and referendum, A. Charter and B. Ordinance, as presented. The motion carried by the following vote:

**Aye:** 10 - Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, and Member O'Neal

**Nay:** 2 - Member Chira, and Member Winesburgh

**Absent:** 3 - Member Batchelor, Member Arias, and Member Riley

## VIII. Member Comments

CRC Chair Hartage proposed additional CRC meetings on May 8, and May 30, 2024. He requested scheduling the final meeting on May 30, 2024, at 5:30 p.m., for reflection, celebration, and recognition of the committee chairs. CRC Chair Hartage confirmed that the CRC will have a meeting on May 20, 2024.

CRC General Counsel Vose announced the upcoming CRC meeting schedule as follows: Monday, April 29, Wednesday, May 8, Monday, May 20, and Thursday, May 30, 2024. CRC Staff expects approval of the final report to occur on Thursday, May 30, 2024.

CRC Chair Hartage recommended against CRC members appearing by video at full CRC meetings. CRC Staff will contact CRC members regarding the upcoming CRC meeting schedule and CRC Chair Hartage requested the CRC members respond to CRC Staff immediately with their availability.

### **IX. Adjournment**

A motion was made by CRC Chair Hartage, seconded by Member Wynn, to adjourn the meeting. No vote taken.

There being no further business, the meeting adjourned at 9:03 p.m.

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Homer Hartage, Chair  
2024 Charter Review Commission



## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### **Sustainable Growth & Charter Cleanup Committee**

### **County Protected Lands Amendment Final Report and Recommendation to the Charter Review Commission**

**May 1, 2024**

Committee Members:

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

### **Summary of Recommendation**

**The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended County Protected Lands Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.**

### **Overview of Charter Amendment**

The proposed charter amendment defines "County Protected Lands" as County owned, operated, or maintained public parks and recreation areas, and environmentally sensitive lands acquired by the County for environmental, ecological, or recreational purposes, and then requires that any County Commission action authorizing the disposition of County Protected Lands, or the change of County Protected Lands to another use, must be approved by a majority-plus-one County Commission vote.

As a result of what the Committee learned from County staff about the variety of ways the County may hold interests in such land, the language of the proposed charter amendment clarifies that references to ownership or acquisition encompass any interest in real property, whether by conveyance, dedication, grant of easement, or otherwise, and whether held solely, or in common with others.

### **Overview of Committee Process**

At its February 19, 2024 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (the "Committee") a charter amendment topic proposed by citizen Valerie Anderson, initially

framed as a proposal requiring that Orange County owned conservation land and parks may only be used for the purpose for which they were originally acquired.

The Committee thereafter held multiple meetings at which it spoke with County staff from both the Parks and Recreation Division and Environmental Protection Division to learn more about existing processes relating to the acquisition, maintenance, and disposition of both County parks and recreation areas and preservation lands.

At its March 25, 2024 meeting, the Committee spoke with Kyle Kent, Assistant Manager, and Regina Ramos, Project Manager, with the Parks and Recreation Division, who discussed common instances in which County parks and recreation land may be converted to some other use, and how those decisions are typically undertaken. In this vein, the Committee came to learn that Policy R1.1.4 of the Orange County Comprehensive Plan provides the following:

R.1.1.4        Public park or recreation areas operated or maintained by Orange County shall not be converted to other uses, except by determination of the Board of County Commissioners that such conversion is in the public interest. Orange County shall seek appropriate compensation or replacement land if such land is taken.

At the same meeting, the Committee also discussed a provision of the Pinellas County Charter that designates a list of County-owned environmental lands, and then imposes a countywide referendum requirement to authorize the sale or long-term lease of such lands.

At its April 24, 2024 meeting, the Committee spoke with Environmental Protection Division Assistant Manager Elizabeth “Liz” Johnson, and Environmental Programs Administrator Beth Jackson, concerning the County’s Green PLACE program, and the County’s acquisition of environmentally sensitive lands. The Committee received an overview of the program and its acquisitions thus far, and was briefed on the variety of different arrangements under which the County may own environmentally sensitive lands, whether solely, or in common with other partners, such as the St. Johns River Water Management District. The Committee was also advised of Section 11.07.01 of the County’s Administrative Regulations, which relate to the County’s acquisition of environmentally sensitive lands. One of the conclusions of that discussion was that there are presently no unique requirements imposed on the County’s disposal of County-owned environmentally sensitive lands.

At the same meeting, the Committee generally moved away from consideration of the Pinellas County Charter countywide referendum model, and directed counsel to prepare a charter amendment based on draft language suggested by Member Stoccardo, which was in turn based on the language of Policy R1.1.4 of the Orange County Comprehensive Plan.

At its April 24, 2024 meeting, reviewed and revised the prepared charter amendment language, and by a 4-0 vote recommended the placement of the County Protected Lands Amendment attached as Exhibit "A" on the November 2024 ballot.

**Exhibit “A”**

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

**SUPERMAJORITY COUNTY COMMISSION  
VOTE TO DISPOSE OF OR CHANGE USE OF  
“COUNTY PROTECTED LANDS”**

Amending the Orange County Charter to define “County Protected Lands” as County owned (in whole or in part), operated, or maintained public parks and recreation areas, and environmentally sensitive lands acquired by the County for environmental, ecological, or recreational purposes; and requiring that any County Commission action authorizing the disposition of County Protected Lands or change to another use must be approved by a majority-plus-one County Commission vote.

\_\_\_\_\_ 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. 713. – County Protected Lands.**

A. *Definition of “County Protected Lands”.* As used in this section, “County Protected Lands” means public parks and recreation areas that are owned, operated, or maintained by the county, and environmentally sensitive lands acquired by the county for environmental, ecological, or recreational purposes. References to ownership or acquisition encompass ownership or acquisition of any interest in real property, whether by conveyance, dedication, grant of easement, or otherwise, and whether held solely, or in common with others.

B. *Supermajority vote requirement.* Any action of the board authorizing the disposition of any County Protected Lands, or any portion thereof, or the change of any County Protected Lands, or any portion thereof, to another use must be approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.



## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### **Sustainable Growth & Charter Cleanup Committee**

### **Fiscal Sustainability Analysis Amendment Final Report and Recommendation to the Charter Review Commission**

**May 1, 2024**

Committee Members:

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

### **Summary of Recommendation**

**The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended Fiscal Sustainability Analysis Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.**

### **Overview of Charter Amendment**

The proposed charter amendment requires that no later than October 2025, the County shall adopt a fiscal sustainability analysis methodology and process to enable the County to evaluate the impacts of proposed Urban Service Area expansions, and the impacts of proposed development in Rural Settlements and the Rural Service Area, on the County's capacity to efficiently provide and maintain infrastructure and services over the Orange County Comprehensive Plan's longest-range planning period.

### **Overview of Committee Process**

At its January 30, 2024 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (the "Committee") a charter amendment topic proposed by Member O'Neal, initially framed as a proposal requiring a financial analysis for requests for development orders and amendments to the County comprehensive plan.

At its March 25, 2024 and April 5, 2024 meetings, the Committee discussed the proposal, with a particular focus on Policy FLU1.2.8 of the Orange County Comprehensive Plan, adopted in May 2013, which reads as follows:

FLU1.2.8 Orange County will develop a fiscal sustainability analysis tool. In addition, the County will include policies to support fiscally sustainable development patterns in the Future Land Use and Capital Improvements elements. The methodology and policies will further the County's effort to evaluate the impacts of proposed Urban Service Area expansions, as well as the impact of proposed development in Rural Settlements and in the Rural Service Area, on the County's capacity to efficiently provide and maintain infrastructure and services.

The Committee was advised that Commissioner Bonilla has expressed deep concerns that this comprehensive plan policy has not been implemented in the 11 years since its adoption.

Member O'Neal provided initial draft charter amendment language based on the aforementioned comprehensive plan policy, and the Committee requested that General Counsel Vose prepare formal ballot and charter language for the Committee's review.

The draft charter language omits one sentence of Policy FLU1.2.8 that appears to direct the County to include certain types of policies in the Future Land Use and Capital Improvements elements of the County's Comprehensive Plan, in order to avoid conflict with statutory provisions prohibiting referenda requiring amendments to a comprehensive plan.

At the Committee's direction, the draft charter language replaced most references to "tool" with the phrase "methodology and process", and also added a deadline by which the County must accomplish the development of the methodology and process. The draft charter language also includes language clarifying that the County may amend the methodology and process after adoption.

At its April 24, 2024 meeting, the Committee spoke with two representatives of the Orange County Planning Division: Olan Hill, Assistant Manager of the Division, and Jason Cheberenchick. Planning staff advised that the County was actively pursuing implementation of Policy FLU1.2.8 and the development of a fiscal sustainability analysis tool. In the course of the conversation, planning staff advised that, in general, present practice is to evaluate the infrastructure needs of new development over a 5-year planning horizon, in order to evaluate and update the County's 5-year capital improvement plan ("CIP").

At its April 26, 2024 meeting, the Committee discussed a desire to include a time period for which the contemplated fiscal sustainability methodology and process would evaluate the County's capacity to efficiently provide and maintain infrastructure and services, with a request to General Counsel Vose to investigate appropriate language for a planning period tied to the County's comprehensive plan.



At its April 30, 2024 meeting, the Committee spoke with Philip Walters and Heather Worthington of Urban3, a planning and consulting firm that models the long-term public revenues, and long-term public costs of infrastructure, maintenance, and services, of existing and new development for local governments throughout the United States. Urban3 specializes in summarizing and depicting the results of this modeling in intuitive and quantifiable ways to empower local government decisionmakers to make decisions based on otherwise complicated or voluminous data and analysis. Jason Cheberenchick of the Orange County Planning Division was also in attendance, and advised the Committee that the County planning staff was actively looking at procurement options with respect to the implementation of Policy FLU1.2.8 and the development of a fiscal sustainability analysis tool, and that they had been in communication with Urban3 about their services.

At that same meeting, the Committee discussed the addition of language to the charter amendment specifying that the contemplated fiscal sustainability methodology and process would evaluate the County's capacity to efficiently provide and maintain infrastructure and services "over the County Comprehensive Plan's longest-range planning period". Vision 2050, the County's new comprehensive plan expected to be adopted this year, implements a planning period through 2050. However, as the years pass and the comprehensive plan goes through its periodic evaluation and appraisal review, that planning period will be extended through subsequent decades. The added language allows the charter requirement to stay current with appropriate planning periods into the future.

At that same meeting, the Committee reviewed and revised the prepared charter amendment language, and by a 3-2 vote recommended the placement of the Fiscal Sustainability Analysis Amendment attached as Exhibit "A" on the November 2024 ballot.

**Exhibit “A”**

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

**ORANGE COUNTY CHARTER  
AMENDMENT REQUIRING ADOPTION OF A  
FISCAL SUSTAINABILITY ANALYSIS TOOL**

Amending the County Charter to require that no later than October 2025, the County shall adopt a fiscal sustainability analysis methodology and process to enable the County to evaluate the impacts of proposed Urban Service Area expansions and proposed development in Rural Settlements and Rural Service Area on the County's capacity to efficiently provide and maintain infrastructure and services over the County Comprehensive Plan's longest-range planning period.

\_\_\_\_\_ 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. 506<sup>1</sup>. – Fiscal Sustainability Analysis Tool.**

No later than October 2025, the county shall adopt a fiscal sustainability analysis methodology and process to enable the county to evaluate the impacts of proposed Urban Service Area expansions, and the impacts of proposed development in Rural Settlements and the Rural Service Area, on the county's capacity to efficiently provide and maintain infrastructure and services over the Orange County Comprehensive Plan's longest-range planning period. The county may amend the methodology and process after adoption.

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<sup>1</sup> If any other charter amendment is adopted as Section 506 of the Orange County Charter at the November 2024 general election, this section shall be codified as Section 507.



## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### **Sustainable Growth & Charter Cleanup Committee**

### **Revised Rural Boundary Amendment Final Report and Recommendation to the Charter Review Commission**

**May 1, 2024**

Committee Members:

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

### **Summary of Revised Recommendation**

**The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended revised Rural Boundary Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.**

### **Overview of Revised Charter Amendment**

The proposed revised Rural Boundary Amendment at Exhibit "A" establishes a Rural Area, which consists of unincorporated lands located outside the Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date. Within the Rural Area, County comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one County Commission vote.

In contrast to the original Rural Boundary Amendment proposal, the revised proposed charter amendment does not preempt municipal authority to regulate land use if a municipality annexes property within the Rural Area, in contrast to provisions in the Seminole County and Alachua County Charters upon which the Committee's original proposal was based. The revised proposal maintains similarity with provisions of the Sarasota County Charter, which impose supermajority voting requirements to increase density or intensity in specified geographic areas.

In further contrast to the original Rural Boundary Amendment proposal, the revised amendment's definition of the Rural Area excludes all municipal joint planning areas, and the "Growth Centers," "Innovation Way Overlay," and "Horizon West Villages" specified

in the County's comprehensive plan. All of the areas excluded from the proposed Rural Area are depicted on a GIS exported map provided by County planning staff, attached as Exhibit "C".

Finally, the revised proposed charter amendment lowers the County Commission vote threshold from 80% (6 out of 7 Commissioners) to majority-plus-one (5 out of 7 Commissioners).

### **Overview of Further Committee Process**

At the February 19, 2024 meeting of the 2024 Orange County Charter Review Commission ("CRC"), the Sustainable Growth & Charter Cleanup Committee presented its final report and recommendation relating to the Committee's Rural Boundary Amendment, recommending the placement of the proposed amendment on the 2024 General Election ballot. After public comment and discussion, the CRC returned the Rural Boundary topic to the Committee for further review, including review related to municipal joint planning areas, other issues related to municipalities, and consideration of an east and/or west rural boundary.

At the February 19, 2024 CRC meeting, representatives from a number of west Orange County municipalities expressed concerns that they would be negatively affected by the initially recommended version of the Rural Boundary Amendment, because portions of the proposed Rural Area encompassed lands lying within joint planning areas established in Joint Planning Agreements between the County and the municipalities. Among the concerns, some representatives noted that some of the municipalities had made water and wastewater infrastructure investments in the joint planning areas in contemplation of the areas' eventual annexation, and that their inclusion could pose concerns relating to issued bonds.

In addition, prior to the February 19, 2024 CRC meeting, County planning staff issued a memorandum to the CRC in which it suggested that certain areas of the County, although they lie within the "Rural Service Area" as defined in the Orange County comprehensive plan, may nevertheless be inappropriate to include in a charter-designated "Rural Area". These areas were the "Growth Centers", "Innovation Way Overlay", and "Horizon West Villages", each as specified in the Orange County comprehensive plan.

In light of these expressed concerns, at the Committee's March 1, 2024 meeting, the Committee spoke at length with Olan Hill, Assistant Manager, Orange County Planning Division, and Misty Mills, Senior Planner, concerning the boundaries, history, and characteristics of the County's municipal joint planning agreements/areas, Growth Centers, Innovation Way, and Horizon West. With respect to the County's municipal joint planning agreements, the Committee generally learned that within the contemplated joint planning areas, municipal annexation also contemplated municipal future land use changes consistent with a negotiated conversion table, facilitating orderly growth. As to Growth Centers, Innovation Way, and Horizon West, County staff discussed the unique urban characteristics of these areas under the County's comprehensive plan. At that

meeting, the Committee requested that General Counsel Vose review the information provided and prepare a revised draft of the Rural Boundary Amendment excluding the areas discussed from the Rural Area.

After that meeting, the Committee and the full CRC became aware of a Florida Senate floor amendment to SB 1420 (2024)<sup>1</sup> introduced on February 28, 2024 (the date of the bill's final passage by the Senate) which added a new Section 1 to the bill, to read as follows:

163.3167 Scope of act.—

(8)

(d) 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.

As was discussed at the March 18, 2024 full CRC meeting, and later at the Committee's March 25, 2024 meeting, General Counsel Vose advised that while the wording of the provision is not the clearest, floor debate on the amendment provided an indication that the legislative intent of the amendment was to preempt certain charter amendment inquiries of the Orange County Charter Review Commission.

At its March 25, 2024 meeting, the Committee requested that General Counsel Vose attempt the preparation of another revised draft of the Rural Boundary Amendment that subjected the charter amendment to a requirement that it be approved by the Board of County Commissioners, in an attempt to draft around the restriction of SB 1420. As a result of this request, a total of two revised drafts were prepared, one excluding the municipal joint planning areas and other areas discussed with County planning staff, and a second with otherwise the same substance, but containing the following modified effective date provision:

D. Notwithstanding the last sentence of Section 702.A. of this Charter, this charter amendment is subject to the requirement that it be approved by the board of county commissioners before it shall become effective. This charter amendment shall become effective upon the date the board of county commissioners approves this charter amendment by resolution.

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<sup>1</sup> SB 1420 was passed by the Florida House on March 6, 2024. To date the bill has not yet been presented to the Governor. There appears to be no hard deadline by which a bill must be presented to the Governor, although the general practice appears to be to present it no later than would be necessary to be consistent with its effective date. The effective date for most of SB 1420 is July 1, 2024. The Governor will have 15 days after presentation of the bill to sign it, veto it, or allow it to become law without his signature. Because SB 1420 is the Department of Commerce "train bill," containing a variety of otherwise uncontroversial but necessary statutory changes important to that department and others, the Committee proceeded under the assumption that it will become law.

Section 702 of the Charter concerns the Charter Review Commission. Note that “the last sentence of Section 702.A. of this Charter” referenced above reads “Such amendments or revisions do not require the approval of the board.” This second revised draft also included a modified ballot summary to reflect that the amendment would be “Effective upon approval of the County Commission”.

General Counsel Vose cautioned the Committee that such a provision is without evident similar precedent anywhere in the state, drafted to address a unique circumstance, and thus may pose a potential line of attack that should be considered when evaluating charter amendment options.

At its April 5, 2024 meeting, the Committee discussed the 80% County Commission vote threshold in its original Rural Boundary Amendment proposal. Generally, concerns were expressed that such a high threshold may hamper support for the proposal. As a result, the Committee requested that General Counsel Vose prepare further revised drafts of both versions of the charter amendment to substitute a “majority-plus-one” County Commission vote threshold.

At its April 24, 2024 meeting, the Committee discussed various options, including recommending that to the CRC that the CRC place the “SB 1420 workaround” version of revised Rural Boundary Amendment directly on the ballot, and recommending that the CRC that the CRC recommend to the Board of County Commissioners that the BCC place on the ballot the revised Rural Boundary Amendment without the SB 1420 workaround language.

At its April 26, 2024 meeting, the Committee further discussed potential options, and ultimately modified the revised Rural Boundary Amendment to remove all language that SB 1420 preempts the CRC (but not the BCC) from placing on the ballot. After this language was prepared, the Committee, by a 4-0 vote, recommended the placement of the revised Rural Boundary Amendment attached as Exhibit “A” on the November 2024 ballot. At the Committee’s direction, the Committee’s version of the revised Rural Boundary Amendment prior to removal of the language preempted to the CRC by SB 1420 is also attached as Exhibit “B” for historical purposes.

**Exhibit “A”**

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

**ORANGE COUNTY CHARTER  
AMENDMENT ESTABLISHING RURAL  
BOUNDARY AND RURAL AREA (“AREA”)**

Establishing a Rural Area (unincorporated lands located outside the County's Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date) where County comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one County Commission vote.

\_\_\_\_\_ 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. 506. – Rural Boundary and Rural Area.**

A. Establishment of Rural Area and Rural Boundary. There is hereby established a Rural Area, initially consisting of all lands lying in the unincorporated County as of the effective date of this section that are located outside of the following areas as of the effective date of this section: (1) the Urban Service Area specified in the Orange County comprehensive plan; (2) municipal joint planning areas adopted by joint planning agreement or interlocal agreement; (3) Growth Centers specified in the Orange County comprehensive plan; (4) the Innovation Way Overlay specified in the Orange County comprehensive plan; and (5) the Horizon West Villages specified in the Orange County comprehensive plan. There is hereby established a Rural Boundary, consisting of the boundary lines of the Rural Area.

B. Legal Effect of Rural Area.

(1) After the effective date of this section, any ordinance amending the Orange County comprehensive plan that increases allowable density or intensity within the Rural Area or any portion thereof, may be approved only by an affirmative vote of not less than a majority plus one of the entire membership of the board.

(3) After the effective date of this section, the board of county commissioners may remove lands from the Rural Area only by ordinance approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.

C. This charter amendment shall become effective upon the date of canvassing board certification of approval by a vote of the electors of Orange County.



**Exhibit “B”**

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

**ORANGE COUNTY CHARTER  
AMENDMENT ESTABLISHING RURAL  
BOUNDARY AND RURAL AREA (“AREA”)**

Establishing a Rural Area (unincorporated lands located outside the County's Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date) where the County’s comprehensive plan and land development regulations will exclusively govern land development and prevail over municipal ordinances, and where comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one County Commission vote.

\_\_\_\_\_ 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. 506. – Rural Boundary and Rural Area.**

A. Establishment of Rural Area and Rural Boundary. There is hereby established a Rural Area, initially consisting of all lands lying in the unincorporated County as of the effective date of this section that are located outside of the following areas as of the effective date of this section: (1) the Urban Service Area specified in the Orange County comprehensive plan; (2) municipal joint planning areas adopted by joint planning agreement or interlocal agreement; (3) Growth Centers specified in the Orange County comprehensive plan; (4) the Innovation Way Overlay specified in the Orange County comprehensive plan; and (5) the Horizon West Villages specified in the Orange County comprehensive plan. There is hereby established a Rural Boundary, consisting of the boundary lines of the Rural Area.

B. Legal Effect of Rural Area.

(1) After the effective date of this section, the comprehensive plan and land development regulations of Orange County shall exclusively govern the development of lands lying within the Rural Area, regardless of whether some or all of the lands lying within the Rural

Area are subsequently annexed or otherwise added into a municipality.

(2) After the effective date of this section, any ordinance amending the Orange County comprehensive plan that increases allowable density or intensity within the Rural Area or any portion thereof, may be approved only by an affirmative vote of not less than a majority plus one of the entire membership of the board.

(3) After the effective date of this section, the board of county commissioners may remove lands from the Rural Area only by ordinance approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.

C. The board of county commissioners may enact ordinances to implement this section. This section and any implementing county ordinances shall prevail over conflicting municipal ordinances.

D. This charter amendment shall become effective upon the date of canvassing board certification of approval by a vote of the electors of Orange County.

...

**Sec. 704. Conflict of county ordinances with municipal ordinances; preemption.**

A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.

B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:

...

3. Section 506 of this Charter so provides.

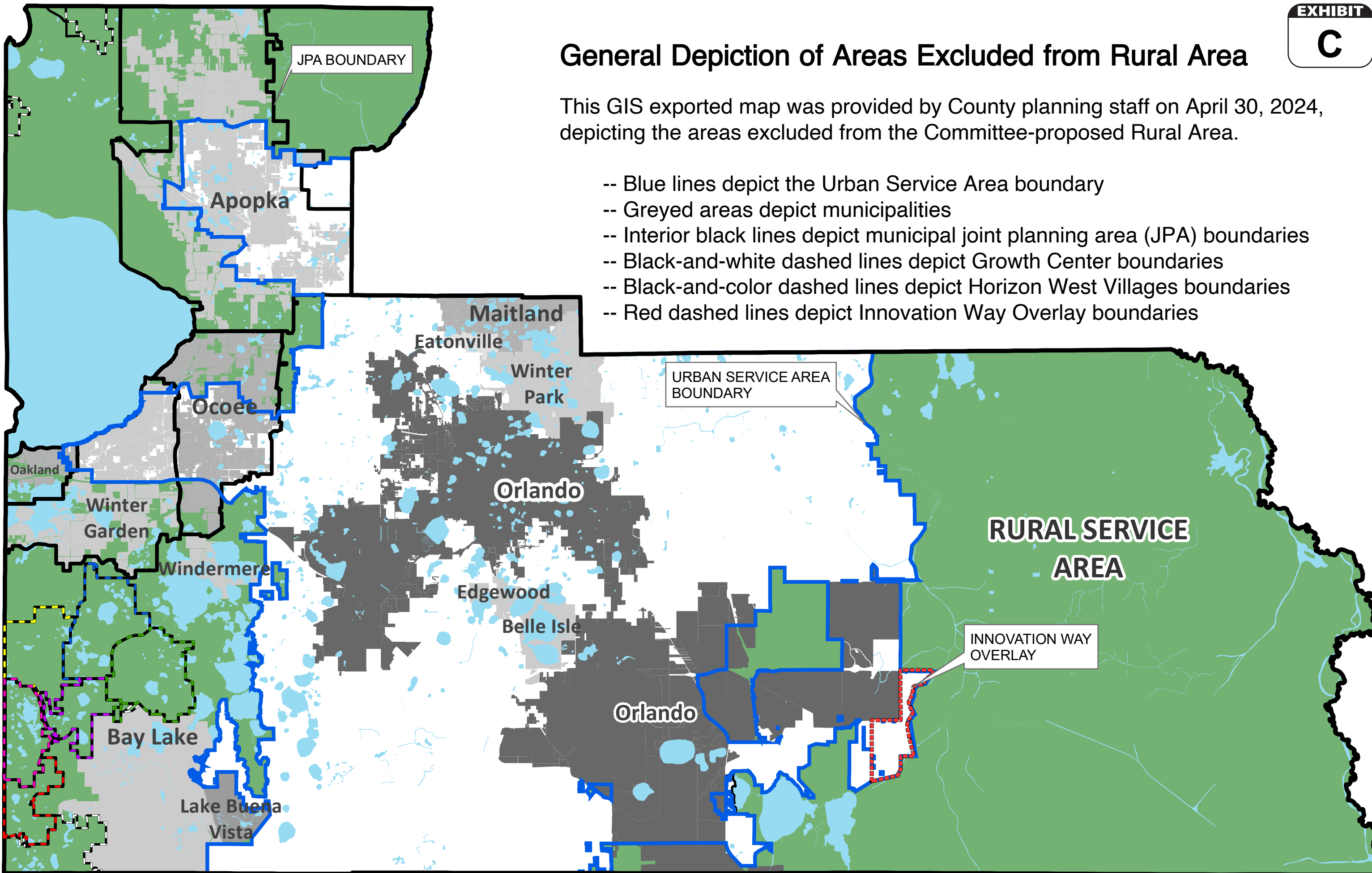
C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult-entertainment standards, or pollution regulatory standards, or simulated gambling or gambling prohibitions or standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary, or as provided in Section 506 of this Charter. In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.



# General Depiction of Areas Excluded from Rural Area

This GIS exported map was provided by County planning staff on April 30, 2024, depicting the areas excluded from the Committee-proposed Rural Area.

- Blue lines depict the Urban Service Area boundary
- Greyed areas depict municipalities
- Interior black lines depict municipal joint planning area (JPA) boundaries
- Black-and-white dashed lines depict Growth Center boundaries
- Black-and-color dashed lines depict Horizon West Villages boundaries
- Red dashed lines depict Innovation Way Overlay boundaries





## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Sustainable Growth & Charter Cleanup Committee

### Affordable Housing Trust Fund Amendment Final Report and Recommendation to the Charter Review Commission

**April 5, 2024**

Committee Members:

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

At its June 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (then titled the Charter Cleanup Committee) a proposal for incorporating the County's Affordable Housing Trust Fund into the Orange County Charter. The evaluation topic proposal was submitted by CRC Member Grimmer, who argued that incorporating a requirement for the continued existence of the Affordable Housing Trust Fund into the Charter would offer some protection against future County Commissions deciding to completely get rid of this important program.

**Based on its study, the Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended Affordable Housing Trust Fund Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.**

### Overview of the Committee Process

At its August 9, 2023 meeting, the Committee received a presentation from Mitchell Glasser, Manager of the Orange County Housing and Community Development Division, concerning the County's Affordable Housing Trust Fund Plan FY2023-2025. In addition, Mr. Glasser provided handouts concerning 50-year annual trends and Orange County's Housing For All 10-Year Action Plan. Further discussion was also had with General Counsel Wade Vose concerning recent affordable housing trust fund charter amendments in Broward, Brevard, and Alachua Counties. Mr. Vose also provided an overview of state legislative limitations on affordable housing funding, including the requirement of Sec. 125.01055, Fla. Stat., that a county must provide incentives to fully offset all costs to a developer of a required affordable housing contribution or linkage fee.

At its November 29, 2023 meeting, the Committee requested that Mr. Vose prepare a draft of an Affordable Housing Trust Fund Amendment. At its December 18, 2023 meeting, the Committee reviewed the draft, and asked Mr. Vose to research whether the charter amendment could limit the ability of the Board of County Commissioners to divert Affordable Housing Trust Fund funds to other uses by requiring a unanimous vote to do so. At the Committee's February 16, 2024 meeting, Mr. Vose advised that the case of *Ellis v. Burk*, 866 So.2d 1236 (Fla. 5<sup>th</sup> DCA 2004) and an Attorney General's Opinion cited therein indicated that such a limitation would be contrary to Florida law relating to the Board of County Commissioner's statutory budgeting authority. Thereafter, the Committee approved this final report, recommending the placement of the Affordable Housing Trust Fund Amendment attached as Exhibit "A" on the November 2024 ballot.

### Overview of Charter Amendment

The proposed charter amendment requires the continued existence of the Affordable Housing Trust Fund initially established in Chapter 2, Article VIII, Division 2 of the Orange County Code. Notably, the charter amendment does not attempt to lock specific details of the ordinance or program in place, expressly acknowledging that the ordinance may be "modified from time to time by ordinance in a manner not inconsistent with the requirements of this section". This was seen as important, as the Committee did not want to tie the hands of the County and prevent it from implementing new and innovative affordable housing strategies and programs in the future.

The proposed charter amendment specifies purposes for the Trust Fund, drawn from the existing ordinance, but with the opportunity for the Board of County Commissioners to expand the purposes by ordinance.

The amendment specifies a number of potential revenue sources for the Trust Fund. Such funding decisions are ultimately left to the Board of County Commissioners, in accordance with case law such as *Ellis v. Burk, supra, Charlotte County Board of County Commissioners v. Taylor*, 650 So.2d 146 (Fla. 2d DCA 1995), and *Board of County Commissioners of Dade County v. Wilson*, 386 So.2d 556 (Fla. 1980).

Among the list of potential revenue sources are "[m]andatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to development policies established by ordinance". Notably, the proposed amendment does not require the Board of County Commissioners to adopt such fees, in part to avoid potential conflict with the prohibitions of Sec. 163.3167(8), Fla. Stat. ("An initiative or referendum process in regard to any land development regulation is prohibited."; "An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited...")

The language of the charter amendment had its origin in a 2020 Alachua County charter amendment establishing an affordable housing trust fund in that county, which was in turn based on a 2018 Broward County charter amendment doing the same. The language of the Committee's proposed charter amendment was rewritten from these models primarily

to address the preexistence of Orange County's established affordable housing trust fund and program.

**Exhibit "A"**

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

**ORANGE COUNTY CHARTER  
AMENDMENT REQUIRING CONTINUED  
EXISTENCE OF AFFORDABLE HOUSING  
TRUST FUND**

Amending the County Charter to require the continued existence of an Affordable Housing Trust Fund used to create and preserve affordable housing, which may be funded by fees from new commercial and residential development and other sources, all as directed by the County Commission, and to provide for purposes, revenue sources, appropriation and expenditure of funds, annual audit, continuing nature, implementation by ordinance, administration, and oversight of the Trust Fund.

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. 713. –Affordable Housing Trust Fund.**

- A. Affordable Housing Trust Fund to remain in continued existence. The Affordable Housing Trust Fund ("Trust Fund") initially established in Chapter 2, Article VIII, Division 2 of the Orange County Code shall remain in continued existence, as modified from time to time by ordinance in a manner not inconsistent with the requirements of this section.
- B. Purposes of Trust Fund. The purpose of the Trust Fund is to provide the financial resources and the leverage necessary to create and preserve affordable housing units in Orange County. The purposes of the Trust Fund may be further specified by ordinance.
- C. Revenue sources. The Trust Fund shall be funded as directed by the board of county commissioners, and may be comprised of the following sources:
- (1) General revenue fund monies appropriated to the Trust Fund by the board of county commissioners as part of the annual budget;
  - (2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;

- (3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;
- (4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to development policies established by ordinance; and
- (5) Other sources as established by ordinance.

D. *Continuing Nature of Trust Fund.* Unless otherwise directed by the board of county commissioners or required by applicable law, unspent portions of the Trust Fund, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:

- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
- (2) Do not revert to the general revenues of the County; and
- (3) Any appropriations do not lapse.

E. *Administration and Oversight of Trust Fund.* The Trust Fund shall be administered, appropriated, and expended in a manner consistent with the purposes of the Trust Fund. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.

F. *Implementation by Ordinance.* No later than July 1, 2025, the board of county commissioners shall amend Chapter 2, Article VIII, Division 2 of the Orange County Code to implement the minimum requirements of this section. The board of county commissioners may adopt additional implementing ordinances not inconsistent with the requirements of this section.



 **VOSE LAW FIRM** LLP  
ATTORNEYS & COUNSELORS AT LAW

GRETCHEN R.H. (“BECKY”) VOSE<sup>†</sup>  
WADE C. VOSE<sup>†‡</sup>  
NANCY A. STUPARICH  
PAUL R. WATERS  
GARRETT M. OLSEN  
STEPHANIE M. VELO  
CHLOE E. BERRYMAN  
MARIA RONDEL

<sup>†</sup>BOARD CERTIFIED IN CITY, COUNTY &  
LOCAL GOVERNMENT LAW

<sup>‡</sup>RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES  
WINTER PARK  
FORT MYERS  
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: May 1, 2024**  
**SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Affordable Housing Trust Fund Charter Amendment**

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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 concerning the Affordable Housing Trust Fund. The language added to the ballot summary is as follows: “No financial impact.”

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit “A”. The charter text revisions incorporate the minor text change to Section 713.C. approved on first reading before the CRC at its April 29, 2024 meeting, but otherwise remains unchanged from that reported out by the Sustainable Growth and Charter Cleanup Committee.

**Exhibit “A”**

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

**ORANGE COUNTY CHARTER  
AMENDMENT REQUIRING CONTINUED  
EXISTENCE OF AFFORDABLE HOUSING  
TRUST FUND**

Amending the County Charter to require the continued existence of an Affordable Housing Trust Fund used to create and preserve affordable housing, which may be funded by fees from new commercial and residential development and other sources, all as directed by the County Commission, and to provide for purposes, revenue sources, appropriation and expenditure of funds, annual audit, continuing nature, implementation by ordinance, administration, and oversight of the Trust Fund. No financial impact.

\_\_\_ 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. 713. –Affordable Housing Trust Fund.**

- A. Affordable Housing Trust Fund to remain in continued existence. The Affordable Housing Trust Fund ("Trust Fund") initially established in Chapter 2, Article VIII, Division 2 of the Orange County Code shall remain in continued existence, as modified from time to time by ordinance in a manner not inconsistent with the requirements of this section.
- B. Purposes of Trust Fund. The purpose of the Trust Fund is to provide the financial resources and the leverage necessary to create and preserve affordable housing units in Orange County. The purposes of the Trust Fund may be further specified by ordinance.
- C. Revenue sources. The Trust Fund shall be funded as directed by the board of county commissioners. The Trust Fund may be comprised of the following sources:
- (1) General revenue fund monies appropriated to the Trust Fund by the board of county commissioners as part of the annual budget;

- (2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;
- (3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;
- (4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to development policies established by ordinance; and
- (5) Other sources as established by ordinance.

D. *Continuing Nature of Trust Fund.* Unless otherwise directed by the board of county commissioners or required by applicable law, unspent portions of the Trust Fund, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:

- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
- (2) Do not revert to the general revenues of the County; and
- (3) Any appropriations do not lapse.

E. *Administration and Oversight of Trust Fund.* The Trust Fund shall be administered, appropriated, and expended in a manner consistent with the purposes of the Trust Fund. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.

F. *Implementation by Ordinance.* No later than July 1, 2025, the board of county commissioners shall amend Chapter 2, Article VIII, Division 2 of the Orange County Code to implement the minimum requirements of this section. The board of county commissioners may adopt additional implementing ordinances not inconsistent with the requirements of this section.



## OFFICE OF COMPTROLLER

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**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](http://www.occompt.com)

DATE: April 24, 2024

TO: Orange County Charter Review Commission

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

SUBJECT: Financial Analysis of the Sustainable Growth & Charter Clean Up  
Committee's Proposed Affordable Housing Trust Fund Charter Amendment

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As requested, attached you will find our office's analysis and financial impact statement related to the Sustainable Growth & Charter Clean Up Committee's proposed Affordable Housing Trust Fund Charter Amendment. This analysis is based on the proposed language that was recommended out of the Sustainable Growth & Charter Clean Up Committee, and would potentially be subject to change if the full Charter Review Commission approved changes to the final language.

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

# Affordable Housing Trust Fund Charter Revisions

## **Ballot Summary**

Comptroller's Office Financial Impact: No financial impact

## **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. Despite making references to potentially creating new revenue sources, this Charter amendment does not require the Board of County Commissioners to adopt any new fees or taxes. That authority rests solely with the Board of County Commissioners. Therefore, this amendment cannot compel the collection of any future revenues.

2. Expenditures:

This proposed Charter amendment does not appear to have any impact on Orange County expenditures or other local government expenditures. Future funding decisions regarding expenditures are ultimately retained by the Board of County Commissioners. Therefore, this amendment cannot compel any future expenditures to be made.





## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Governmental Structure Committee

#### Section 605 – Effect of Write-In Candidates Final Report and Recommendation to the Charter Review Commission

**April 24, 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 November 9, 2023 meeting, the 2024 Orange County Charter Review Commission (“CRC”) assigned to the Governmental Structure Committee (the “Committee”) a topic proposed by CRC Member O’Neal, initially framed as “doing away with all charter provisions that enable commissioners, mayors and charter officers from winning election in a primary by receiving 50% plus one vote.”

Section 605 of the Charter provides for nonpartisan elections for all elected charter officers (currently the County Mayor and County Commissioners). The second paragraph of that section provides that in the event “more than two” candidates (in other words, three or more candidates) have qualified for a single office, an election will be held at the August primary election, rather than the November general election. In the event of such an election held at the August primary, if a candidate receives a majority of the votes cast, that candidate wins; otherwise, the two candidates receiving the most votes are placed on the November general election ballot.

After review and discussion of the issue, the Committee focused on a particular aspect of the August primary/November general election dynamic: the effect of write-in candidates on the timing of such elections.

In 2002, the County Attorney’s office rendered an opinion that, under the current language of Section 605, a write-in candidate for a charter office constituted a candidate that had qualified, and that as a result, write-in candidates would count toward number of qualified candidates necessary to trigger an election at the August primary. The County and the

Orange County Supervisor of Elections office have thereafter conducted elections consistent with this interpretation.

The Committee discussed at length the fact that in a number of past Orange County Commission election cycles, the filing of a write-in candidate has had the effect of moving a County Commission election from the November general election (with historically higher voter turnout) to the August primary election (with generally lower voter turnout).

Specifically, there have been a number of instances where two candidates for an office qualified in a manner securing them ballot placement (by collecting signatures or paying the filing fee), which would otherwise result in an election at the November general election, but that because a write-in candidate also filed, the election was moved to the August primary. In such instances, with only two candidates with their names placed on the August ballot, one of the two inevitably receives a majority of the total votes cast.

After discussing these dynamics, the Committee concluded that it would be appropriate to propose a charter amendment that provides that write-in candidates not count toward the number of qualified candidates necessary to trigger an election at the August primary. Such an exclusion of write-in candidates from the count of qualified candidates necessary to trigger an election at the August primary would be similar to provisions of Sec. 105.051, Fla. Stat., governing the nonpartisan elections of school board members.

**Accordingly, after consideration of the information presented, the Committee voted 6-0 to recommend to the full CRC an amendment to the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and County Commissioners), write-in candidates shall not count toward the number of qualified candidates (three or more) necessary to trigger an election at the August primary, as shown at Exhibit "A".**

**Exhibit “A”**

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

**WRITE-IN CANDIDATE EFFECT ON  
TIMING OF CHARTER OFFICER  
ELECTIONS**

Amending the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and County Commissioners), write-in candidates shall not count toward the number of qualified candidates (three or more) necessary to trigger an election at the August primary.

\_\_\_\_\_ 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. 605. Nonpartisan elections.**

Elections for all Charter offices shall be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.

In the event that more than two (2) candidates, not counting write-in candidates, have qualified for any single office under the chartered government, an election shall be held at the time of the ~~first~~-primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.





GRETCHEN R.H. ("BECKY") VOSE<sup>†</sup>  
WADE C. VOSE<sup>†</sup>  
NANCY A. STUPARICH  
PAUL R. WATERS  
GARRETT M. OLSEN  
STEPHANIE M. VELO  
CHLOE E. BERRYMAN  
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OFFICES  
WINTER PARK  
FORT MYERS  
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: May 1, 2024**  
**SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Charter Amendment Concerning Write-In Candidate Effect on Timing of Charter Officer Elections**

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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 concerning write-in candidates' effect on the timing of charter officer elections. The language added to the ballot summary is as follows: "No financial impact."

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit "A". Such text remains unchanged from that reported out by the Governmental Structure Committee.

**Exhibit “A”**

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

**WRITE-IN CANDIDATE EFFECT ON  
TIMING OF CHARTER OFFICER  
ELECTIONS**

Amending the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and County Commissioners), write-in candidates shall not count toward the number of qualified candidates (three or more) necessary to trigger an election at the August primary. No financial impact.

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. 605. Nonpartisan elections.**

Elections for all Charter offices shall be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.

In the event that more than two (2) candidates, not counting write-in candidates, have qualified for any single office under the chartered government, an election shall be held at the time of the ~~first~~ primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.



## 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](http://www.occompt.com)

DATE: April 24, 2024

TO: Orange County Charter Review Commission

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

SUBJECT: Financial Analysis of the Governmental Structure Committee's Proposed Charter Amendment Modifying Charter Officer Elections

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As requested, attached you will find our office's analysis and financial impact statement related to the Governmental Structure Committee's proposed Charter Amendment modifying Charter Officer elections under Section 605 of the Orange County Charter. This analysis is based on the proposed language that was recommended out of the Governmental Structure Committee, and would potentially be subject to change if the full Charter Review Commission approved changes to the final language.

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

# Charter Officer Elections Charter Revisions

## **Ballot Summary**

Comptroller's Office Financial Impact: No financial impact

## **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 does not appear to have any impact on Orange County expenditures or other local government expenditures.





## 2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### 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.