

# Orange County Government

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



## Charter Review Commission Agenda - Final

**Thursday, May 14, 2020**

**5:30 PM**

**Communications Media Technology**

### **2020 Charter Review Commission**

*CRC Members:*

*Camille Evans, Chair*

*James R. Auffant, Vice Chair*

*Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–*

*Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–*

*Lee Steinhauer–Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn*

**Call to Order****I. Pledge of Allegiance****II. Public Comment****III. Consent Item**

- A. CRC-20-109 Approval and execution of the minutes of the April 20, 2020 meeting of the Charter Review Commission (CRC).

Attachments: 2020-04-20 CRC Draft Meeting Minutes

**IV. Chair Comments****V. Subcommittee Recommendations – Second Readings and Vote**

- A. CRC-20-111 Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Attachments: 2020-5-14 V.A1 Citizen-Initiated Charter and Ordinance Process Report

- B. CRC-20-112 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's final report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Attachments: 2020-05-14 V.B1 Permanent Funding of Green PLACE Report

**VI. Workgroup Update**

- A. CRC-20-113 CRC By-Laws Workgroup Meeting Held on May 11, 2020.

**VII. New Business**

# Orange County Government

*Orange County Administration Center  
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## Draft Meeting Minutes

**Monday, April 20, 2020**

**5:30 PM**

**Communications Media Technology**

## **2020 Charter Review Commission**

*CRC Members:*

*Camille Evans, Chair*

*James R. Auffant, Vice Chair*

*Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–*

*Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–*

*Lee Steinhauer–Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn*

**Call to Order**

The meeting was called to order at 5:41 p.m.

**Present:** 15 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, Member Jeffrey A. Miller, Member Nikki Mims, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, Member Anthony (Tony) Suarez, and Member Dotti Wynn

Others present:

CRC General Counsel Cliff Shepard  
Deputy Clerk Katie Smith  
Assistant Deputy Clerk Jessica Vaupel  
Senior Minutes Coordinator Jennifer Lara-Klimetz

**I. Pledge of Allegiance****II. Public Comment**

The following persons addressed the CRC for public comment:

- Valerie Anderson
- Anna Marie Clarke
- Jessica Sullivan
- Katrina Shadox
- Lynette Scible
- Emily Lapham
- Greg Noonan
- Sharon McBreen
- Karina Veaudry
- Ahn Volmer
- Lee Perry
- Tayler Figueroa
- Michael Cortez
- Kimberly Heise

The following persons submitted written comments to the Board during public comment:

- Nicole Wilson
- Eliot Kersgaard
- Kimberly Buchheit
- Forest Gray Michael
- Lisa Jelks
- Jess Kovach
- Gretchen Robinson

- Chuck O'Neal
- Caitlin Fogarty
- David Wegman

### III. Consent Item

- A. CRC-20-099** Approval and execution of the minutes of the March 4, 2020 meeting of the Charter Review Commission (CRC).

A motion was made by Member Wynn, seconded by Member Santiago, to approve and execute the minutes of March 4, 2020. The motion carried by the following vote:

**Aye:** 13 - Member Evans, Member Auffant, Member Drake, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, Member Suarez, and Member Wynn

**Absent:** 2 - Member Douglas, and Member Fauth

### IV. Chair Comments

**CRC-20-100** Chair Comments

Chair Evans addressed the CRC regarding the following:

- Six weeks remain to complete the work of the CRC
- First Reading of Subcommittee Recommendations for Split Oak.
- The Final Report will be reviewed and approved during the June 3, 2020 meeting. The Final Report will be prepared using the reports from each subcommittee and during the May 29, 2020 meeting a Final Report Work Session will be conducted to allow for member comment.
- Thanked CRC members, CRC staff, General Counsel, and members of the public for their continued dedication to the work of the CRC even during these challenging times.

### V. Subcommittee Recommendation – First Reading (Second Reading on May 6, 2020)

- A. CRC-20-101** Consideration of the Split Oak Subcommittee's Recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants.

Chair Evans requested Member Auffant present the First Reading of the Split Oak subcommittee recommendation. Member Auffant stated that Split Oak is a piece of property that was paid for with tax dollars and set aside to never be developed. The amendment protecting Split Oak has a 'back door' that allows for the sale of Split Oak to developers through a majority vote by Orange County, Osceola County, and the State. The purpose of the amendment is to close the 'back door' and allow for citizens to voice their opinions about the development of Split Oak. After consideration of information presented, the subcommittee voted to recommend to the full CRC the amendment to the Orange County Charter, including Ballot title and summary, with respect to Split Oak. Member Auffant thanked the committee members for their work during the

subcommittee meetings. General Counsel Shepard read the committee's recommendation for the First Reading into the record. Discussion ensued.

A motion was made by Member Santiago, seconded by Member Stoccardo, to approve the first reading on the recommendation of the Split Oak subcommittee. The motion carried by the following vote:

**Aye:** 10 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

**Nay:** 4 - Member Evans, Member Douglas, Member Klein, and Member Wynn

**Recused:** 1 - Member Miller

## **VI. Subcommittee Updates**

**A. CRC-20-102** Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee Meetings Held on March 11, 2020, and April 16, 2020 (Member Smith)

Member Smith presented a subcommittee update on Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith indicated that the subcommittee met on February 16, 2020 and reviewed the Ballot title and summary language. Deputy Clerk Smith thanked General Counsel Shepard for providing the Citizen-Initiated Charter and Ordinance Amendment Process Final Report to CRC staff for distribution. Member Smith stated that the committee is preparing for the first reading of Citizen-Initiated Charter and Ordinance Amendment Process final report on May 6, 2020.

**B. CRC-20-103** Permanent Funding of Green PLACE Subcommittee Meeting Held on March 12, 2020 (Chair Evans)

Chair Evans presented a subcommittee update on Permanent Funding of Green PLACE. Chair Evans indicated that during the subcommittee's last meeting held on March 12, 2020 comments were received from County staff and members of the public. The subcommittee discussed and ultimately voted to not bring forth a Charter Amendment. Chair Evans expressed that the subcommittee will provide advocacy points to the County and further request the Board of County Commissioners examine opportunities to acquire Green PLACE land. The final subcommittee meeting is scheduled for April 22, 2020 for review of the final report and recommendation. The first reading of the Permanent Funding of Green PLACE is scheduled for May 6, 2020.

## **VII. New Business**

Chair Evans announced that on April 9th the Comptroller's Office delivered the Rights of the Wekiva River and Econlockhatchee River financial analysis report to the CRC members and followers. The financial analysis report will be included in the CRC Final Report. Member Fauth requested advice about Florida Laws from the general counsel concerning the statement within the financial impact. General Counsel Shepard contributed to the discussion.

Chair Evans suggested Member Fauth submit his concerns raised during today's discussion regarding the Comptroller's financial analysis and fiscal impacts to allow the Comptroller's Office

time to prepare a response. The CRC will revisit the issue during the May 6th meeting.

Member Mims addressed the Board regarding her previous request for governing By Laws for the Charter. Discussion ensued. General Counsel Shepard stated that the charge of the CRC is to propose amendments to the charter to be considered by the voters of Orange County independent of the County, and the CRC is not allowed under the Charter to take up other tasks.

General Counsel Shepard offered to draft the By Laws but reminded members that the By Laws would not be binding for future CRC's. Chair Evans recommended that the Final Report include a summary of the adoption of By Laws. Discussion ensued. Deputy Clerk Smith and General Counsel Shepard contributed to the discussion.

Chair Evans recognized CRC members who volunteered to serve on the CRC By Laws Work Group:

Chair Evans, Member Mims, Member Smith, Member Stoccardo and Member Santiago.

Member Fauth addressed the Board regarding the Split Oak Resolution. Discussion ensued.

Chair Evans announced the next CRC Regular Business meeting will be on May 6, 2020, at 5:30 p.m.

There being no further business, the CRC adjourned at 8:45 p.m.

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Camille Evans, Chair  
2020 Charter Review Commission



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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**April 20, 2020**

### **Committee Recommendation**

#### **Citizen-Initiated Charter and Ordinance Amendment Process Committee**

Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn

### **Summary of Recommendation**

On October 22, 2019, Member Samuel Vilchez Santiago submitted a proposal to the 2020 Orange County Charter Review Commission (the "CRC") to establish a subcommittee to evaluate (1) lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and (2) lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal. Generally, the proposal sought establishment of a subcommittee to study Sections 601 and 602 of the Orange County Charter and to make appropriate recommendations to the CRC.

On November 6, 2019, following a motion and second by Members Vilchez Santiago and Stoccardo, respectively, the CRC voted 8 to 5 to establish the Citizen-Initiated Charter and Ordinance Amendment Process as an evaluation topic by the CRC. By a vote of 12 to 1, the CRC voted to establish the Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee to study this topic and make appropriate recommendations to the full CRC.

Beginning on November 20, 2019, the Citizen-Initiated Charter and Ordinance Amendment Process Committee (the "Committee") held six public meetings to hear public input and consider the proposal. The Committee reviewed: Member Vilchez Santiago's proposal; the work product created by and conclusions of the 2016 Orange County Charter Review Commission, whose successful 2016 Charter amendments are under review; a memorandum and timeline prepared by the Orange County Supervisor of Elections; and



memorandums prepared by the General Counsel. The Committee heard from members of the public and invited guests, including Orange County Commissioner Emily Bonilla, Emmett O'Dell, Co-President of the League of Women Voters of Orange County, Dr. Gloria Pickar, and Member Vilchez Santiago.

On January 8, 2020, the Committee voted 5-0 to recommend to the CRC that it take no action on Member Vilchez Santiago's proposal to lower the threshold for petition signature percentages for placing citizen's initiated charter amendments or ordinance amendments, enactments or repeals on the ballot. The Committee further voted 5-0 to request authority from the full CRC to look at all aspects of the current 180-day timeline restrictions contained in the Charter. On January 9, 2020, the CRC received the Committee's request and, on February 5, 2020, the full CRC voted to approve the Committee's request. On February 19, 2020, the Committee voted 3 to 1 to rescind its earlier decision to recommend no action be taken with respect to the percentages necessary to place citizen's initiated charter amendments and ordinance enactments, amendments, or repeals on the ballot. On March 11, 2020, the Committee agreed not to further pursue the petition threshold percentages currently contained in the Charter.

On April 16, 2020, based upon the information and comments received, the Committee voted unanimously to recommend the full CRC adopt a Ballot Title, Summary and Text amendment prepared by General Counsel to suspend the one hundred and eighty (180) day time period in the Charter for obtaining necessary signatures pending completion of the mandatory reviews and procedures outlined in Sec. 602.E of the Charter, and to set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the Orange County Board of County Commissioners, the Orange County Comptroller and the Legal Review Panel under Sec. 602.E.(1) of the Charter in order to give petitioners the benefit of a full one hundred and eighty (180) days to gather necessary signatures.

### **Reasons for Recommendation**

#### **1. The 2016 Charter Amendment Approved by Orange County Voters Does Not Provide Petitioners With Sufficient Time to Gather Signatures.**

While the intent of the 2016 Charter Amendments appears to have been to give prospective petitioners a full one hundred and eighty (180) days to gather necessary signatures, in practice, the mandatory review of proposals by the Supervisor of Elections, the Comptroller, and the Legal Review Panel takes up much of that time, during which signatures cannot continue to be gathered. This problem is easily remedied by suspending the one hundred and eighty (180) day time frame while the mandatory reviews are undertaken and by providing a deadline for the Supervisor of Elections to notify the identified bodies when the petitioner has reached the 1% threshold for required signatures.

## **2. Insufficient Information Establishing that the Percentage of Required Signatures in Each District is Unduly Burdensome.**

While the Committee received comments asserting that the percentage of signatures required under the 2016 Charter Amendment is too restrictive, Orange County voters overwhelming approved those requirements. The Committee did not receive sufficient information showing that lowering the percentage thresholds is necessary or warranted at this time.

### **Argument Against Recommendation**

#### **1. Without Easing the Percentage of Required Signatures in Each District, the Proposal Does Not Address the Problem.**

Some invited guests argued that the main problem with the 2016 Charter Amendments are the percentages of signatures required in each district. While suspending the one hundred and eighty (180) days helps prospective petitioners, it does not address what some believed is the main problem.

### **Committee Recommendation**

After careful consideration of the information presented, Member Miller made a motion, which was seconded by Member Wynn, to recommend that the attached draft Ballot Title, Summary and Text of the proposed charter amendment be forwarded to the full CRC for its consideration. The motion carried unanimously. Based on the foregoing, **the Committee recommends that the attached draft amendment to the Orange County Charter, including Ballot Title and Summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process.**

#### **Exhibits:**

Proposed Amendment, Ballot Title and Summary

All Committee Minutes

All legal memoranda provided by the General Counsel

Member Vilchez Santiago's proposal

November 6, 2019 Correspondence from the League of Women Voters of Orange County

January 24, 2020 Memorandum from Chair Soraya Smith to the 2020 Charter Review Commission

## **Ballot Title, Summary and Proposed Amendment – Citizen Initiatives**

### **A. Introduction.**

This Charter amendment would suspend the one hundred and eighty (180) day time period for the gathering of petition signatures during the completion of the reviews and procedures required by Sec. 602.E. of the Charter and set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter. The intent is to give petitioners a full one hundred and eighty (180) days to gather the necessary signatures.

### **B. Ballot Proposal:** The ballot title and question for Question #\_\_ are as follows:

SUSPENDING TIME FOR GATHERING  
PETITION SIGNATURES DURING  
MANDATORY REVIEWS AND SETTING  
DEADLINE FOR 1% NOTIFICATION

Shall the charter be amended by suspending the one hundred eighty (180) day time period for gathering signatures during mandatory reviews and procedures specified under Sec. 602.E. of the Charter and setting a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter?

Comptroller estimated financial impact: \_\_\_\_\_.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

### **C. Text Revisions:** Article VI, Sec. 602.A. and Sec. 602.E.(1) of the Orange County Charter are amended as follows:

(Underline text is added to the charter).

Sec. 602. - Procedure for initiative and referendum.

A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall

prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing). In the event sufficient signatures are not submitted during that one-hundred-eighty-day period (as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.), the petition drive shall be rendered null and void and none of the signatures may be carried over onto another petition. If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

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

1. *One (1) percent threshold.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.

**D. Effective Date.** This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

**Financial Analysis and Impact:**

Based on information provided by the Comptroller's Office, the cost of the proposed amendment is approximately \_\_\_\_\_, which represents \_\_\_\_\_.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

November 20, 2019  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn  
Clifford Shepard, CRC Attorney  
Noelia Perez, Senior Minutes Coordinator

#### Invited Guest:

Emmett O'Dell

The organizational meeting of the Citizen-Initiated Charter and Ordinance Amendment Process Committee was held to identify related issues and to address any member questions.

### Public Comment

The following persons addressed the committee:

- Emmett O'Dell
- Camille Evans

### Invited Guest

Mr. O'Dell addressed the committee and provided his experience and perspective related to the history and current requirements of the citizen initiated process. Discussion ensued. CRC Attorney Shepard contributed to the discussion.

### Background Information and Current Charter Provisions

Chair Smith asked CRC Attorney Shepard to provide an overview regarding the Background of Changes to Article VI of the Charter memo submitted prior to the meeting. CRC Attorney Shepard will provide a more in depth explanation at the next committee meeting. Discussion ensued.

### Members Open Discussion

Chair Smith opened the floor for member discussion. Chair Smith referred to Member Santiago's Citizen-Initiated Charter and Ordinance Amendment Process Proposal as it relates to lowering the petition threshold count for citizen initiated Charter amendments and repeals and ordinance

amendments, enactments and repeals. Chair Smith reiterated the potential topics for further research included in Member Santiago's proposal.

Chair Smith explained that it would be valuable to receive information from the Supervisor of Elections as to what has occurred in the past. Member Miller provided remarks regarding the importance of reviewing the work product and conclusions of the 2016 CRC committee that studied this topic. CRC Attorney Shepard advised that he could provide a full copy of the report. Discussion ensued. CRC Attorney Shepard advised he would contact the Supervisor of Elections. Further discussion ensued.

Member Melvin questioned, in terms of invited guests, whether there are any groups of people who have ideas or would like to do citizen initiatives but the current process stopped them. Member Wynn suggested that the committee invite the Supervisor of Elections to address them at an upcoming meeting. Chair Smith advised that this is already in the works.

Chair Smith asked a question related to Section 601 – Initiative and Referendum of the Orange County Charter. Discussion ensued. CRC Attorney Shepard contributed to the discussion.

#### Future Action Plan

Chair Smith invited committee members to email the Charter account if there are any individuals they would like to invite as a guest speaker at an upcoming meeting. Chair Smith asked committee members to review the memo provided by CRC Attorney Shepard and reiterated that he will provide a more in depth explanation at the next committee meeting.

The next scheduled committee meeting will be held on Tuesday, December 10, 2019 at 4:00 p.m. Supporting materials, including the meeting notice, agenda, audio and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

December 10, 2019  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn (via telephone)  
Clifford Shepard, CRC General Counsel  
Noelia Perez, Senior Minutes Coordinator

#### Invited Guests:

Dr. Gloria Pickar, League of Women Voters of  
Orange County Co-President  
Samuel Vilchez Santiago, CRC Member

The Citizen-Initiated Charter and Ordinance Amendment Process Committee meeting was held to further identify related issues and to address any member questions.

#### Invited Guests

Dr. Pickar presented an introduction to Orange County's League of Women Voters. Dr. Pickar advised the Orange County League has not studied this particular issue in depth but stated that the current process is too restrictive. Dr. Pickar pointed out areas where the Orange County League supports the current process and areas where they feel revisions are needed. The committee members asked various questions regarding Dr. Pickar's remarks. Discussion ensued.

CRC Member Vilchez Santiago addressed several questions raised by various members at the last committee meeting regarding his proposal. Discussion ensued amongst Member Vilchez Santiago and the committee members. General Counsel Shepard contributed to the discussion.

#### Public Comment

The following persons addressed the committee:

- Carmen Torres
- Eugene Stoccardo

### Committee Chair Comments

Chair Smith provided an update regarding her meeting with Supervisor of Elections Cowles related to his Orange County Initiative Petition History memorandum and attachments provided on December 2, 2019. Discussion ensued. General Counsel Shepard contributed to the discussion.

### General Counsel Continued Discussion from November 20, 2019

General Counsel Shepard provided the committee with a mathematical comparison of the number of citizen initiative petition attempts made prior to and after 2016. General Counsel Shepard advised that only one of the six petitions attempted prior to 2016 made it to the ballot. General Counsel Shepard referenced an article that was previously distributed to the committee members related to a current proposed Florida Constitutional amendment. Discussion ensued.

### Members Open Discussion

Member Miller questioned whether the committee can determine why prior citizen initiative attempts were unsuccessful based upon the information they've been presented thus far. Discussion ensued. Members Miller and Douglas agreed that the committee needs to bring the topic back to the full CRC if the committee would like to consider topics other than petition thresholds.

### Future Action Plan

Chair Smith asked the members to think about what the committee was initially charged with and whether the committee should get more specific and bring the topic back to the full CRC. The committee will discuss this and take up a motion at the next committee meeting in January.

The next scheduled committee meeting will be held on January 8, 2020 at 4:00 p.m. Supporting materials, including the meeting notice, agenda, audio and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.





## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

January 08, 2020  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn  
Clifford Shepard, CRC General Counsel  
Lakela Louis, Senior Minutes Coordinator

The Citizen-Initiated Charter and Ordinance Amendment Process Committee meeting was held to further identify related issues and to address any member questions.

#### Public Comment

No members of the public addressed the committee during public comment.

#### Chair Comments

Chair Smith reminded committee members the original request of the committee was to review the petition threshold percentage and to determine whether the percentage should be adjusted related to the citizen-initiated Charter and Ordinance amendment process. Chair Smith discussed committee deadlines. General Counsel Shepard contributed to the discussion.

#### Members Open Discussion

Chair Smith expressed her thoughts concerning the committee making a decision regarding the petition threshold percentage today, and then decide whether they should take a look at the process as a whole. General Counsel Shepard and committee members contributed to the discussion.

### Committee Vote:

Motion/Second: Members Miller / Melvin

AYE (voice vote): Chair Smith; Members Douglas, Melvin, Miller and Wynn

Action: The committee moved to take no action on what has been presented to the committee regarding the percentages necessary to bring referendum or initiative.

Motion/Second: Member Douglas / Chair Smith

AYE (voice vote): Chair Smith; Members Douglas, Melvin and Wynn

NAY (voice vote): Member Miller

Action: The committee moved to request authority from the full commission tomorrow to look at all aspects of the 180 day time limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative.

### Future Action Plan

Member Douglas questioned whether a motion should be made to request General Counsel to proceed with providing the background paperwork and final report for the next committee meeting. Chair Smith reiterated that General Counsel Shepard will be at tomorrow's meeting, and if the motion does not pass, then General Counsel will not need to develop language regarding the 180 day time limitation.

Member Miller requested that General Counsel provide the pros and cons in the final report if the committee is given the authority to expand their scope of work related to the 180 day time limitation.

The committee will schedule their next meeting at a future date. Supporting materials, including the meeting notice, agenda, audio and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

February 19, 2020  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn  
Patrick Brackins, CRC General Counsel  
Lakela Louis, Senior Minutes Coordinator

#### Absent Member:

Jack Douglas

#### Invited Guest:

BCC District 5 Commissioner Emily Bonilla

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the 180-day timeline limitation and proposed ballot title, summary and amendment language.

### Invited Guest

Commissioner Emily Bonilla shared her experience regarding the citizen initiative petition process and spoke in favor of amending the Charter to remove perceived barriers. Discussion ensued.

### Public Comment

No members of the public addressed the committee during public comment.

### Members Open Discussion

The committee members discussed the petition timeline as provided in Supervisor of Elections Cowles' Orange County Initiative Petition History memorandum and attachments dated December 2, 2019. Discussion ensued. General Counsel Brackins contributed to the discussion.

The committee requested General Counsel provide a memorandum clarifying what decision, if any, the Board of County Commissioners (BCC) makes when the sponsor meets the 1% threshold and the Supervisor of Elections notifies the BCC of same. This request arose from the timeline provided by the Supervisor of Elections, which provides: "Upon reaching the 1% threshold, the

SOE shall notify the board. The board shall render its decision within twenty days after notification.” Discussion ensued.

#### General Counsel Present Proposed Language

General Counsel Brackins presented the proposed ballot title, summary and amendment language. Discussion ensued. Member Melvin requested that the proposed language utilizing the term “toll,” “tolled,” or “tolling” be amended by adding synonymous terms that are more easily understood by the general public. No other changes were requested as the committee’s discussion focused on whether to consider expanding or including additional areas of concern related to the citizen initiative process.

#### Committee Vote

Motion/Second: Chair Smith / Member Wynn

AYE (voice vote): Chair Smith; Members Melvin and Wynn

NAY (voice vote): Member Miller

Absent: Member Douglas

Action: The committee moved to rescind the committee’s prior vote taken on January 8, 2020 to recommend no action be taken on what has been presented to the committee regarding the percentages necessary to place a citizen-initiative Charter amendment on the ballot.

#### Future Action Plan

Member Miller questioned whether the committee should examine potential issues with the citizen initiative process beyond the 180-day time period. Discussion ensued regarding all aspects of the citizen initiative process provided in the Charter. The committee questioned the BCC’s role in the citizen initiative process.

The committee will schedule their next meeting at a future date. Supporting materials, including the meeting notice, agenda and summary report may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

March 11, 2020  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn  
Clifford Shepard, CRC General Counsel  
Jennifer Lara-Klimetz, Assisting CRC as Staff

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the citizen initiative process and proposed ballot title, summary and amendment language.

#### Public Comment

No members of the public addressed the committee during public comment.

#### Members Open Discussion

Chair Smith provided an overview of prior committee actions, current agenda items, and this meeting's tasks.

The committee members reviewed the petition timeline as provided in Supervisor of Elections Cowles' Orange County Initiative Petition History memorandum and attachments dated December 2, 2019. Discussion ensued. General Counsel Shepard contributed to the discussion.

The committee members agreed to end the discussion on the petition threshold percentages.

Chair Smith provided remarks regarding the 180 day timeline as it affects the petitioner's ability to proceed with a citizen initiative. General Counsel Shepard and committee members contributed to the discussion.

Chair Smith requested that General Counsel speak with the Supervisor of Elections, the County Comptroller, and a representative of the Mayor's Office regarding the amount of time needed to complete their respective tasks as outlined in the petition process.

The committee members discussed the proposed ballot title, summary and amendment language. Member Melvin suggested replacing the word 'tolling' with 'suspending' in the ballot proposal. General Counsel Shepard contributed to the discussion. All committee members agreed on the word choice changes to the presented ballot language.

#### Future Action Plan

The next scheduled committee meeting will be held on Thursday, April 16, 2020 at 4:00 p.m. via WebEx. If you would like to attend this virtual meeting and/or address the committee, please contact CRC staff at [katie.smith@occompt.com](mailto:katie.smith@occompt.com). Supporting materials, including the meeting notice, agenda and summary report may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Committee Summary Report

### Citizen-Initiated Charter and Ordinance Amendment Process Committee

April 16, 2020  
Comptroller's 4<sup>th</sup> Floor Conference Room  
4:00 p.m.

#### Committee Members:

Soraya Smith, Chair  
Jack Douglas  
Angela Melvin  
Jeffrey A. Miller  
Dotti Wynn  
Clifford Shepard, CRC General Counsel  
Katie Smith, Assisting CRC as Staff  
Jessica Vaupel, Assisting CRC as Staff

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the citizen initiative process and proposed ballot title, summary and amendment language.

### Public Comment

The following persons addressed the committee:

-Chuck O'Neal  
-Eugene Stoccardo  
-Anh Volmer

### Chair Comments

Chair Smith provided an overview of current agenda items and this meeting's tasks. Chair Smith reminded attendees that, to date, the committee had not proposed changes to the percentage threshold.

### CRC General Counsel Updates

General Counsel Shepard provided an overview of prior committee actions. General Counsel Shepard discussed the memorandum related to the Precise Deadlines for the Principals Involved in the 180-Day Process dated April 14, 2020. General Counsel Shepard presented the updated title, ballot language, and amendment language.

### Members Open Discussion

Member Miller proposed moving forward with the language drafted by General Counsel. Member Wynn agreed.

Discussion ensued amongst the members and General Counsel regarding the Board of County Commissioners (BCC) public hearing held within sixty (60) days after notification of legality by the Legal Review Panel.

Chair Smith asked Deputy Clerk Katie Smith what the next appropriate course of action would be for the committee to take. Deputy Clerk Smith advised the committee to direct General Counsel Shepard to prepare the committee's final report to accompany the ballot, title and summary.

### Committee Vote

Motion/Second: Members Miller / Wynn

AYE (Roll Call): Chair Smith; Members Douglas, Melvin, Miller and Wynn

Action: The committee moved to have General Counsel prepare the final report that incorporates the ballot, title, summary and body of changes.

### Future Action Plan

General Counsel will prepare the committee final report. Supporting materials, including the meeting notice, agenda and summary report may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.





## Memo

**To:** Cliff Shepard

**From:** Patrick Brackins

**CC:**

**Re:** Citizen Initiative Proposal

**Date:** November 4, 2019

By way of background, I was tasked with providing a general overview of Member Santiago's proposal that a subcommittee be established to study the threshold requirements for citizen initiatives under the current charter (the "Proposal"). Member Santiago's proposal seeks a comprehensive review of the citizen initiative process and consideration of whether a lower percentage threshold for citizen initiatives should be established. In other words, whether the threshold requirements for a citizen's initiative should be less restrictive.

Currently, section 601 of the charter provides any petition to amend the charter must be signed by ten (10) percent of the county electors in each commission district and any petition to enact, repeal or amend any ordinance must be signed by at least seven (7) percent of the county electors in each commission district. In addition, no less than 75 percent of those signatures must be on petition forms approved by the Supervisor of Elections, which include the comptroller's financial impact statement. By way of comparison, for citizen initiatives to the Florida Constitution, signatures equal to eight (8) percent of the votes in the state as a whole are required. Fla. Const. Art. XI, § 3. The Proposal appears to make an initial recommendation that the percentage of required signatures be lowered to six (6) percent of total eligible voters throughout the county. See Proposal at 4.

The 2016 Charter Review Commission established the Initiative Petitions Work Group "to investigate the conflicting views and expressed concerns about initiative petitions," and "to review the

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current initiative petition process and practice, and to determine whether to recommend changes to the Orange County Charter. . . .” The Petitions Work Group’s Final Report and Recommendation to the Charter Review Commission (the “Work Group Report”), dated January 27, 2016, is attached hereto as **Exhibit A**. The Work Group held 16 public meetings, which were attended by 10-15 members of the public at many of the meetings and it heard “substantial public comment.” It evaluated multiple different proposals and heard from a variety of public officials. In addition, the Work Group reviewed the initiative provisions of each of Florida’s other 19 charter counties and similar provisions from local governments of other states. The “Breakdown of Required Percentage of Registered Voters” for each charter county, which was created by the Work Group, is attached hereto as **Exhibit B**. The chart shows that the percentages range from 30 percent to 4 percent of registered voters.

With respect to the percentage of signatures required to place a citizen’s initiative on the ballot, the Work Group Report states:

***Number of Signatures Necessary for Charter Amendment Initiative  
– 10% of Electors in Each Commission District***

The Work Group recommends that the number of signatures necessary for a charter amendment by initiative be changed from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district. Such a change makes charter amendments by initiative consistent with ordinances by initiative under the Orange County Charter, which requires a requisite number of signatures from all County Commission districts. It closes the current loophole that effectively allows only 6.67% of registered voters in the County to approve a petition drive (due to the present requirement that the requisite signatures be obtained only in a majority of the commission districts), and brings Orange County in line with other charter counties. (Orange County is unique in its “percentage from a majority of districts” structure.)<sup>4</sup>

This recommendation was strongly supported in public comments based on concerns that some districts have intentionally been avoided in past petition drives. The recommendation provides for better public input across all districts on charter amendment petitions, and for equal participation and representation of all districts, thereby avoiding disenfranchisement of districts. In other

words, it preserves the principle of “One Person, One Vote.” Finally, **the Work Group received substantial public comment that the Charter should not be easily amended, and certainly should not be easier to amend than an ordinance.**

**The recommendation makes it harder to amend the Charter and it necessarily adds extra time, effort and cost to the initiative process.** Overall, however, the Work Group believes the substantial benefit of providing for equal participation and representation of all districts far outweighs these impacts.

*Id.* (emphasis added). Thus, based on substantial public input, the Work Group recommended amending the charter for the express purpose of making it harder to amend the charter or to propose ordinances by citizen initiatives.

With respect to the Work Group’s recommendation, the 2016 Charter Review Commission’s Final Report provides:

***Proposal Summary:*** The Initiative Petitions Work Group recommended reforming the charter initiative process. The reforms included: providing a single subject requirement; legal review; Comptroller-prepared financial impact statement; public hearing requirements; equal percentages of signatures from all commission districts; disclosure of gatherer’s paid/volunteer status; requiring gatherer’s affidavit and badge; adding a signature withdrawal process; deadlines and other procedural reforms; and protecting successful amendments for one year.

#### *Final Action – Approved*

The CRC voted to accept the work group recommendation to place on the ballot changes to Sections 601 and 602 of the Orange County Charter (and a corresponding change to Section 603 of the Charter) relating to initiative petitions, the adoption by the County Commission of an ordinance to carry out the intent of the recommended changes, and a codification of existing laws and procedures.

*Id.* Thus, the 2016 Charter Review Commission adopted the Work Group’s recommendation to place on the ballot a proposed charter amendment making greater threshold requirements for citizen initiatives.

The proposed amendment passed by more than 66 percent and the additional requirements were added to the Charter in 2016.



## **2016 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)**

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### **Initiative Petitions Work Group**

#### **Final Report and Recommendation to the Charter Review Commission Dated January 27, 2016**

#### **Work Group Members:**

Rob Mellen, Chair  
Fred Brummer  
Stina D'Uva  
Maribel Gomez Cordero  
Matt Klein

The 2016 Charter Review Commission created the Initiative Petitions Work Group to investigate the conflicting views and expressed concerns about initiative petitions. The Work Group was directed to review the current initiative petition process and practice, and determine whether to recommend changes to the Orange County Charter, in particular Sections 601 and 602, to address these issues. Depending on the outcome of their investigation, the Work Group was requested to bring any recommended changes back to the full Charter Review Commission for consideration.

Based on its investigation, the Initiative Petitions Work Group recommends certain substantive changes in the initiative petition process, as well as certain administrative and procedural changes. The Work Group's recommendation provides a clear and concise guide for petitioners to follow in seeking to amend the Charter and adopt or amend ordinances. What follows is a detailed summary of the Work Group's recommended changes and the reasons for them.

In short, the Work Group recommends changes to Sections 601 and 602 of the Charter (and a corresponding change to Section 603 of the Charter) relating to initiative petitions, the adoption by the County Commission of an ordinance to carry out the intent of the recommended changes, and a codification of existing laws and procedures.

### **Introduction and Overview of Work Group Process**

Over the past nine months, the Initiative Petitions Work Group held 16 meetings, averaging two hours per meeting, assembling and evaluating proposals to revise and reform Orange County's initiative petition process. The Work Group's meetings were well attended with 10-15 members of the public in attendance at many of the meetings, as well as elected officials and their representatives who participated from time to time. The Work Group considered input from the public and elected officials who appeared before the Charter Review Commission, including Mayor Teresa Jacobs, Mayor Gary Bruhn (on behalf of the Orange County Council of Mayors), Supervisor of Elections Bill Cowles, and representatives of Comptroller Martha Haynie.

The Work Group reviewed the initiative petition provisions of Florida's 19 other charter counties, as well as select provisions from other states, and heard substantial public comment. Common themes centered upon concerns about "outside interests" and "outside money" coming into Orange County to push initiative petitions, as well as a desire for transparency, particularly relating to the funding of paid petition gathering efforts and the paid or volunteer status of petition gatherers.<sup>1</sup> Supervisor of Elections Cowles regularly participated in the Work Group's discussions, either personally or through staff, providing recommendations, insight, and research to the Work Group.

Based on all of these sources, the Work Group assembled a list of potential initiative petition proposals<sup>2</sup>, which the Work Group then evaluated and discussed throughout its subsequent meetings. A number of the proposals were rejected by the Work Group for legal and policy reasons. The remaining proposals were found to merit recommendation to the full Charter Review Commission.<sup>3</sup>

As noted, the Work Group's recommendation is divided into three categories; substantive changes to the initiative petition process; administrative or procedural changes; and codification of existing law and procedure. The recommended changes constitute a single proposal. They are interconnected and dependent on one another to achieve their intent. Accordingly, the Work Group recommends that the CRC consider the following a comprehensive plan of reform, rather than a menu from which to pick and choose.

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<sup>1</sup> A complete summary of the public comments heard by the Work Group throughout its deliberations is attached as Exhibit "A."

<sup>2</sup> A copy of this comprehensive list, containing all proposals considered, including those rejected by the Work Group (indicated with ~~striketrough~~), is attached as Exhibit "B."

<sup>3</sup> A comprehensive list of all proposed charter changes discussed in this recommendation, tracking the existing structure of Sections 601 and 602 of the Orange County Charter and written to facilitate the drafting of charter language, is attached hereto as Exhibit "C."

<b>Recommended Substantive Changes</b>
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***Single Subject Requirement***

The Work Group recommends that proposed initiative petitions (for both Charter amendments and ordinances) be subject to a single subject requirement, namely that they “shall embrace but one subject and matter directly connected therewith.” This requirement provides consistency with the standard for state constitutional amendments by initiative. It promotes clarity and makes it easier for a voter to understand what is being proposed, and helps prevent voter confusion. Finally, adding a single subject requirement brings Orange County (one of the few charter counties in the state without a single subject requirement) into line with the majority of charter counties.

***Petition Gatherer Badge Requirement Identifying Whether Volunteer or Paid***

The Work Group recommends that each petition gatherer circulating a county initiative petition be required to wear a badge that states “Volunteer Gatherer” or “Paid Gatherer,” as the case may be, in a form and manner specified by ordinance. The Work Group extensively researched the constitutional permissibility of a badge requirement, and limited the scope of its recommendation (only disclosure of paid or volunteer status) to be consistent with the findings of that research.

The badge requirement provides a level of needed transparency to the initiative petition process. A potential signer will be able to assess whether the petition gatherer is motivated by principle or profit. The Work Group believes the requirement helps identify whether an initiative is “grassroots” based on popular local support, and conversely helps address the issue of “outside interests” coming into the county to propose issues that may not be in the best interest of the county’s citizens.

This provision is also designed to be flexible, since the County Commission will specify the form and manner of wearing the badge by ordinance, and thus can tailor requirements so they are not burdensome or costly.

A badge requirement is an additional requirement on a petition sponsor not currently imposed, and it does add a burden, albeit minor, on petition gatherers. Overall, the Work Group believes that the benefits of transparency and petition signer education far outweigh this burden.

***Petition Gatherer’s Affidavit***

The Work Group recommends that the circulated petition form contain an affidavit to be completed and signed by the petition gatherer for each petition circulated, providing the name and address of the petition gatherer, whether he or she was paid or volunteer, and, if paid, by whom and on what basis (hourly, per-signature, other). The petition gatherer will also affirm that the petition was signed in the petition gatherer’s presence, the petition signer had sufficient time to read the petition language, and the signature on

the petition is believed to be the genuine signature of the petition signer. All of these requirements were gathered from similar provisions in other county charters, or from requirements of other states that have withstood constitutional challenge. The Work Group's recommendation includes using the statutory written declaration "under penalty of perjury," rather than a notary acknowledgment.

An affidavit requirement for petition gatherers again provides a degree of desired transparency to the initiative petition process. It discloses to the public in a documented way whether a petition gatherer has been paid or was a volunteer, who is paying the petition gatherer and on what basis. It fosters a better understanding by the signer of the subject matter of the petition by encouraging an opportunity to read it before signing. Finally, it promotes honesty on the part of the petition gatherer and helps prevent fraud in signature gathering.

### ***Legal Review, Financial Impact Statement, and Public Hearing – Upon Reaching 1% Signature Threshold***

The Work Group recommends that a legal review requirement, a financial impact statement requirement, and a public hearing requirement be added to Orange County's initiative petition process. The details of these requirements are described below, but all three are triggered when the Supervisor of Elections verifies that a petition has been signed by 1% of the electors in each of the county commission districts. The Work Group believes that setting a minimum number of petitions necessary to trigger these requirements provides a safeguard against the waste of county resources on frivolous petitions if the minimum required number of signatures cannot be obtained.

#### **Legal Review**

The legal review will be conducted by a Legal Review Panel, comprised of three attorneys licensed to practice law in Florida who have demonstrated experience in Florida local government law and who are selected on a bi-annual basis through the county's purchasing process applicable to legal services. Within 20 days after the 1% signature requirement is met, the Legal Review Panel will meet and render a written determination whether the proposed initiative petition satisfies the single subject requirement and is consistent with the Florida Constitution, general law and restrictions of the Charter. If at least two members of the Legal Review Panel find that the petition satisfies these requirements, the petition process continues. If, however, two or more panelists find that it does not satisfy the requirements, the current petition drive ends and the petition must be corrected to satisfy the requirements before a new petition drive starts.

The Legal Review Panel will also be charged with ensuring the petition language is clear and not misleading. This legal requirement provides a mechanism for review of the petition language other than by going to court, which is more costly and time-consuming. The legal review benefits the sponsor of an initiative petition by passing on the legality of the petition early in the process so it can be withdrawn and/or corrected. It



also may benefit the sponsor by making the initiative less likely to be challenged upon completion. The requirement for a legal review early in the process can save county resources on costly legal challenges which might otherwise occur later in the process. Finally, the requirement follows the lead of a neighboring charter county (Brevard), which has had a legal review panel process in place for some time and, based on inquiry, has found it to be beneficial.

The legal review process admittedly has the potential to kill a petition drive. It adds cost to the county to conduct an RFP process for selection of the Legal Review Panel and compensating them for their work, but potentially saves costs and avoids challenges later in the process. Also, the Legal Review Panel decision may still be overturned later in the process if challenged in court. Overall, the Work Group believes that the substantial benefits of a legal review that potentially avoids litigation and provides valuable legal feedback to petition sponsors and the public far outweigh the risks.

### Financial Impact Statement

Within 20 days after the 1% signature requirement is met, the Comptroller will prepare and transmit to the sponsor of the petition, the Board of County Commissioners, and the Supervisor of Elections, a separate financial impact statement, not exceeding 75 words. The impact statement will estimate the increase or decrease in any revenues or costs to the county, local governments or to the citizens resulting from the approval of the proposed initiative petition. This financial impact statement will be placed on the ballot immediately following the ballot question.

In addition, upon receipt of the financial impact statement, the sponsor of the petition will prepare and submit to the Supervisor of Elections a revised petition form containing the financial impact statement. The Supervisor of Elections, within 15 days after submittal of the revised petition form containing the financial impact statement, then renders a determination on the form of the revised petition. At least 75% of the signed petitions verified by the Supervisor of Elections must include the financial impact statement.

The Work Group believes that a financial impact statement helps educate the public on the cost of an initiative, in taxpayer dollars and otherwise. Requiring that the financial impact statement be placed on a revised petition form provides transparency by informing petition signers of the financial impact of the initiative if adopted. Placing the financial impact statement on the ballot helps ensure that the financial impact of a proposal is considered by voters at the critical time of voting. Lastly, specifying that the financial impact analysis be prepared by the Orange County Comptroller ensures that the analysis is prepared by an office equipped with sufficient expertise that acts independently from the Board of County Commissioners.

This requirement imposes an obligation on the Comptroller and adds the cost to the Comptroller's office of reviewing the initiative and preparing the financial impact statement that does not presently exist. In addition, requiring that the petition form be

revised to incorporate the financial impact statement also imposes an additional obligation and expense on the petition sponsor that doesn't presently exist. However, the Work Group believes that the substantial educational benefits of a financial impact statement independently prepared and placed before the voters on the petition form and ballot far outweigh the additional obligations and costs.

### Public Hearing

Within 60 days after notification of legality by the Legal Review Panel, a public hearing will be required to be held on the petition before the Board of County Commissioners. Holding a public hearing to address the merits of the proposal early in the initiative petition process helps educate the public and provides transparency by allowing a longer period of time for the community to review, discuss and fully understand the pros and cons of the initiative. It also allows the County Commission to consider the merits of the proposal and act independently upon it if appropriate.

### ***Number of Signatures Necessary for Charter Amendment Initiative – 10% of Electors in Each Commission District***

The Work Group recommends that the number of signatures necessary for a charter amendment by initiative be changed from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district. Such a change makes charter amendments by initiative consistent with ordinances by initiative under the Orange County Charter, which requires a requisite number of signatures from all County Commission districts. It closes the current loophole that effectively allows only 6.67% of registered voters in the County to approve a petition drive (due to the present requirement that the requisite signatures be obtained only in a majority of the commission districts), and brings Orange County in line with other charter counties. (Orange County is unique in its “percentage from a majority of districts” structure.)<sup>4</sup>

This recommendation was strongly supported in public comments based on concerns that some districts have intentionally been avoided in past petition drives. The recommendation provides for better public input across all districts on charter amendment petitions, and for equal participation and representation of all districts, thereby avoiding disenfranchisement of districts. In other words, it preserves the principle of “One Person, One Vote.” Finally, the Work Group received substantial public comment that the Charter should not be easily amended, and certainly should not be easier to amend than an ordinance.

The recommendation makes it harder to amend the Charter and it necessarily adds extra time, effort and cost to the initiative process. Overall, however, the Work Group

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<sup>4</sup> A breakdown for Florida's 20 charter counties of the required percentage of registered voters, and from how many districts, for ordinances by initiative and charter amendments by initiative, is attached hereto as Exhibit "D".

believes the substantial benefit of providing for equal participation and representation of all districts far outweighs these impacts.

***No Amendment or Repeal of a Successful Charter Amendment by Initiative for One Year After Effective Date.***

The Work Group recommends that a successful charter amendment by initiative petition not be subject to amendment or repeal for a period of one year after its effective date. Such protection for charter amendments by initiative provides consistency between charter amendments and ordinances by initiative, which presently have the one year protection. It allows a reasonable time to determine whether an amendment works. Finally, it benefits the sponsor of a successful initiative petition by protecting the amendment for at least a year from repeal or change.

A potential consequence of the recommendation is that bad policy cannot be repealed or changed in a timely manner, and the protection may lead to unintended consequences. However, the Work Group believes, in light of the overall improvement and strengthening of the initiative petition process which results from the Work Group's recommendations, a successful charter amendment by initiative should be entitled to operate for a reasonable period of time without interference.

<b>Recommended Administrative/Procedural Changes</b>
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***Sponsor to Submit Petitions Signed Each Month No Later than 5<sup>th</sup> Day of the Following Month***

The Work Group recommends that the petition sponsor be required to submit all signed petitions gathered during each month to the Supervisor of Elections no later than the 5<sup>th</sup> day of the following month. This requirement provides transparency by disclosing how far along the sponsor of an initiative petition is in the signature gathering process (i.e., no holding back of signed petitions), thereby benefiting both the sponsor of the initiative and the community as a whole. Supervisor of Elections Cowles supported this requirement because it promotes efficiency for the Supervisor of Elections' office providing predictability and spreading out the necessary verification. It also facilitates the withdrawal by a petition signer of his/her signature on a petition, as discussed below. Finally, regular submittal of signed petitions helps satisfy the "1% signature requirement" that initiates the legal review, financial impact statement and public hearing requirements as early in the process as possible.

The requirement is one that is not currently applicable to the initiative petition process, and it may void otherwise valid signatures if the petitions are not timely submitted, although this will be as a result of sponsor's inaction. Overall, the Work Group believes that the substantial benefits of transparency and efficiency that this requirement fosters far outweigh the consequences of untimely submission of signed petitions.

***Sponsor May Formally Terminate Its Petition Drive***

The Work Group recommends that a sponsor of an initiative petition be able to terminate the sponsor's petition drive by filing a form, promulgated by the Supervisor of Elections, with the Supervisor of Elections' office. This change is based on a recommendation from Supervisor of Elections Cowles who advised the Work Group there is presently no clear way for a sponsor of an initiative petition to voluntarily terminate its petition drive. Mr. Cowles indicated that, in his experience, petition sponsors have sometimes wanted to end their petition drives, and the lack of a formal mechanism to do so led to substantial frustration and confusion.

### ***Petition Signer May Withdraw Signature on a Petition***

The Work Group recommends allowing a petition signer to withdraw his/her signature on an initiative petition by filing a withdrawal form with the Supervisor of Elections' office. The form will be promulgated by the Supervisor of Elections and made available on the Supervisor's website.

The Work Group believes allowing a petition signer to withdraw his/her signature provides an opportunity for the petition signer to reconsider the decision to sign the petition after additional information is publicly disseminated. Although it adds an incremental amount of work to the Supervisor of Elections' office, Mr. Cowles confirmed that the recordkeeping system used by the Supervisor's office, which ties each signed petition to the voter's record, makes this recommendation easy to implement.

### ***Removal of Requirement for BCC to Call Referendum / Automatic Placement on Ballot Upon Verification of Sufficient Signatures***

The Work Group recommends removal of the requirement that the Board of County Commissioners affirmatively vote to place a qualified initiative petition on the ballot based on the recommendation of County Mayor Teresa Jacobs. Rather, the Charter will specify that the initiative will be automatically placed on the ballot after verification of sufficient signatures by the Supervisor of Elections.<sup>5</sup>

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<sup>5</sup> This change also entails the removal of Section 603C of the Orange County Charter, which prohibits the Board of County Commissioners from calling a referendum on any initiative petition that violates Florida law or the restrictions of the Charter. Because the BCC will no longer call a referendum on an initiative petition in any event, the section is no longer effective. In addition, the Work Group's proposal provides for another mechanism to address illegal initiative petitions (the Legal Review Panel process), thus addressing the policy interest served by Section 603C.

### ***Remove Special Election from Elections at Which Initiative Petition Can Be Held***

The Work Group recommends that “special elections” be removed as elections at which a referendum can be held on an initiative petition. With this removal, the Charter more simply provides that a referendum be held at the next primary or general election occurring at least 150 days after verification of sufficient signatures. Such change provides clarity and predictability as to when the question will be placed on the ballot. It allows the petition sponsor to more effectively select the election at which the initiative will be considered by the voters and simplifies the initiative petition process overall. Supervisor Cowles concurred that the change can provide clarity and predictability and simplify the process.

### ***Labeling and Ordering Guidance for Charter Amendment Ballot Order***

The Work Group recommends that labeling and ballot ordering guidance be provided to the Supervisor of Elections for charter amendments appearing on the ballot. Specifically, charter amendments appearing on the ballot will be labeled using alphabet lettering (A, B, C, etc.), and placed in the following order: first, amendments proposed by the Charter Review Commission; next, amendments proposed by the County Commission; and last, amendments proposed by the initiative petition process; in each case, identifying the section of the Charter being amended along with the title. This recommendation is based on a request from Supervisor of Elections Cowles who indicated that in recent elections questions have arisen as to identifying and ordering charter amendments and, lacking any guidance, he has had to exercise his own judgment to resolve them. Clear guidance in these matters will reduce confusion and improve predictability for petition sponsors and the public. In addition, labeling charter amendments with alphabet lettering provides clarity to the public in distinguishing charter amendments from constitutional amendments.

<b>Recommended Codification of Existing Law/Procedure</b>
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### ***Require Petition Sponsor’s Registration as a Political Committee***

The Work Group recommends that language be added to the Charter that the sponsor of an initiative petition must “register as a political committee as required by general law.” This requirement has long been the law under Florida election law, but a number of county charters state it expressly in order to help those pursuing charter and ordinance amendments by providing a single source for guidance in working through the process.

### ***Form of Petition***

The Work Group recommends that the Charter specify that the petition form used by the petition sponsor contain the ballot title, ballot summary, and proposal language. Once again, this is the existing law and practice pursuant to the Supervisor of Elections’

application of relevant Florida Administrative Code provisions. Adding these provisions to the Charter helps guide petition sponsors through the initiative petition process.

### ***Sponsor Translation of Ballot Title and Summary***

The Work Group recommends that the sponsor of an initiative petition provide a translation of the ballot title and ballot summary in the language(s) required by law at the time the petition form is filed with the Supervisor of Elections for review. This recommendation provides clarity to the current initiative petition process by codifying the practice of the Supervisor of Elections and facilitates compliance with federal law requirements.

### ***Supervisor of Elections to Render Determination on Form of Petition Within 15 Days***

The Work Group recommends that the Supervisor of Elections be required, within 15 days after submittal, to render a determination on the form of the proposed petition. Currently, there is no established time period for the Supervisor of Elections to complete review and make a determination on the petition form. Supervisor of Elections Cowles has historically rendered a determination on petition forms almost immediately, but providing a specific time limit for the Supervisor to do so provides a procedural safeguard for petition sponsors while codifying existing practice.

### ***Supervisor of Elections to Verify Validity of Signatures within 30 Days After Submittal and to Post Tally on Website***

The Work Group recommends that the Supervisor of Elections be required to verify the validity of the signatures submitted within 30 days after submittal, and to post a tally of the number of signatures verified on the Supervisor of Elections' website for public view. Once again, this recommendation codifies the Supervisor of Elections' current practice. It provides transparency by disclosing how far along the sponsor of an initiative petition is in the signature gathering process, thereby benefiting both the sponsor of the initiative petition and the community as a whole. The recommendation also benefits the sponsor by providing certainty as to the total number of valid signatures submitted as the process progresses, so the petition sponsor can determine the number of additional petitions needed.

### **Conclusion**

The Work Group believes that the proposed substantive, procedural and administrative changes to the initiative petition process outlined in this recommendation are responsive to the conflicting views and expressed concerns raised in regard to the current initiative process and practice. The Work Group further believes that, if adopted by the Charter Review Commission and approved by the voters, the initiative process in Orange County will be significantly improved and provide much needed clarity, transparency and guidance.

FINAL REPORT AND RECOMMENDATION  
INITIATIVE PETITIONS WORK GROUP  
EXHIBIT “A”

Date Presented	Presented by	Topic(s)
3/12/2015	Doug Head	a) Expectations for the public to prepare ballot initiative language are unreasonable b) Issues that tend to limit the capacity of minorities is unacceptable
4/9/2015	Mayor Bruhn Chair, Orange County Council of Mayors	a) Provide fixed date by which petition process must be completed b) Include a mechanism to withdraw/end a petition process Note: Letter dated March 26, 2015, provided to CRC
4/9/2015	Linda O'Keefe	a) Need 150 day filing time b) Possible misleading language of initiative itself needs legal review c) Outside interests funding petition process d) Need transparency and financial disclosure e) Need fair representation across all districts
4/9/2015	Bill Barnette	a) Big national groups coming into Orange County and funding their own interests b) Need to make it for citizens by citizens
4/9/2015	Emmett Odell	a) Do not make initiatives any more difficult b) CRC considers/vets an issue for a long time before putting on ballot
4/9/2015	Dana Gowen	a) Limit ballot questions to 75 words b) Changing Orange County constitution/charter should be hard c) Keep questions direct and simple
4/9/2015	Doug Head	a) Object to constrain citizen's input by making ballot initiatives harder b) Keep ballot questions to one topic (single issue)
4/9/2015	Chadwick Hardee	a) Concerned about outside groups funding ballot initiatives b) Need to include all districts in signatures c) Keep ballot questions to single issue
4/30/2015	<b>Summary Report does not reflect Public Comments</b>	
5/14/2015	Cynthia Ellenberg	a) Ballot language – citizens need to understand what the ballot is asking b) Concerned that signatures are not collected in the majority of the districts c) Interested in bifurcation – citizens should know who is collecting the signatures



<b>Date Presented</b>	<b>Presented by</b>	<b>Topic(s)</b>
5/28/2015	<b>Summary Report does not reflect Public Comments</b>	
6/9/2015	Barbara Seidenberg	<ul style="list-style-type: none"> <li>a) Transparency - Paid petition gatherers</li> <li>b) Outside Interest - Threshold higher for paid gatherers</li> </ul>
6/9/2015	Todd Catella	Petition initiative is important because the county school run from within, the issues should be driven from within and not from without
6/25/2015	<b>Summary Report does not reflect Public Comments</b>	
7/9/2015	Bill Barnett	Limit outside money that comes into Orange County to implement outside national ideas
7/9/2015	Linda O'Keefe	Discussion at the work group meeting are in the interest of finding a way to bring accountability and transparency to the petition process
7/9/2015	Kelli McNair-Lee	The goal is to eliminate cheating and try to make the process fair
7/9/2015	Tom Tillison	Transparency in the process is what everyone is looking for
7/9/2015	Todd Catella	<ul style="list-style-type: none"> <li>a) In favor of the restriction on the initiatives on paid and unpaid</li> <li>b) As well as the other topics that have been mentioned</li> </ul>
7/16/2015	<b>Meeting Cancelled</b>	
7/21/2015	<b>Summary Report does not reflect Public Comments</b>	
8/13/2015	David Siegel	Likes the discussion on disclosure by putting measures on the ballot
8/13/2015	Linda O'Keefe	<ul style="list-style-type: none"> <li>a) Concerned with the funding of local petition efforts in Orange County by outside interest</li> <li>b) Request the requirement of all districts be represented in the petition initiative drive, not just the majority</li> <li>c) Request affidavits, disclosures, and badges for paid circulators</li> <li>d) Keep the 150 day requirement</li> <li>e) Raise the threshold for paid circulators</li> </ul>
8/13/2015	Frank Caprio	<ul style="list-style-type: none"> <li>a) Encourage the CRC to make the petition process as difficult as possible</li> <li>b) Designate between paid and unpaid circulators</li> </ul>

<b>Date Presented</b>	<b>Presented by</b>	<b>Topic(s)</b>
8/13/2015	Chadwick Hardee	Outside money coming into the district should have a tighter restriction
8/13/2015	Bill Barnett	<ul style="list-style-type: none"> <li>a) The process should not be easy</li> <li>b) Should not have paid outside influences</li> </ul>
8/13/2015	Emily Bonilla	The petition process should not be made too difficult because it's the job of the people to create law and the government to enforce the law
8/20/2015	<b>Summary Report does not reflect Public Comments</b>	
8/27/2015	<b>Summary Report does not reflect Public Comments</b>	
9/10/2015	Barbara Seidenberg	<ul style="list-style-type: none"> <li>a) Against outside interest funding petition process</li> <li>b) Need for affidavit requirements</li> <li>c) Circulators should wear badges</li> <li>d) Need for disclosure</li> <li>e) Need for a way to withdraw a signature on a petition</li> </ul>
9/10/2015	Linda O'Keefe	<p>Thanked the work group for:</p> <ul style="list-style-type: none"> <li>a) Making sure the process works for the residents of the county</li> <li>b) Considering concerns brought to their attention by the public</li> <li>c) Researching many practices from other counties and states</li> <li>d) Seeking the input from the Supervisor of Elections</li> </ul>
9/10/2015	Cynthia Ellenberg	<ul style="list-style-type: none"> <li>e) Disclose the sponsor of a petition</li> <li>f) Disclose if paid or a volunteer</li> <li>g) Need for badges</li> <li>h) Need to educate the public on the process</li> <li>a) Create a mechanism to remove a signature on a petition</li> </ul>

Date Presented	Presented by	Topic(s)
9/10/2015	Mike Ketchum	Commended the work group and Counsel on their efforts towards addressing topics such as: a) Outside interest b) Misleading language on ballots c) Hidden agendas d) Greater transparency
9/10/2015	Todd Catella	In support of knowing who brings forward citizen petitions
9/24/2015	Mike Ketchum	a) Legal Review Process – supports the direction of the work group b) Financial Impact Statement - the statement should include the impact on the private sector or individual tax payers c) Agrees the topics of a period of time during which a charter amendment cannot be disturbed/provide a period of time after an initiative petition has failed to pass on the ballot should be addressed
9/24/2015	Michelle Levy	a) Legal Review Process - the League of Women Voters would not be comfortable with the RFP process b) Financial Impact Statement - asked for clarification as to what impacts should be addressed
9/24/2015	Bill Cowles	a) Legal Review Process - the legal review should not stop or delay the petition process b) Financial Impact Statement - a panel can also be commissioned to complete a financial impact statement c) Documents need to be prepared in English and Spanish
9/24/2015	Cynthia Ellenberg	a) Legal Review Process - agrees with Mike Ketchum's statements b) Financial Impact Statement - prefers the Orange County Charter language because it includes the impact on the citizens.
9/24/2015	Todd Catella	Asked what issues have been raised in the past to create the need to consider a period of time during which a charter amendment cannot be disturbed/provide a period of time after an initiative petition has failed to pass on the ballot
10/1/2015	Todd Catella	a) Asked if the one (1) year protection of a period of time during which a charter amendment cannot be disturbed would be a separate clarification from the requirement for additional petition signatures. b) Likes the decision of having the public hearing early in the initiative petition process; however, what is the purpose for the maximum of 30 days for the BCC to call a referendum by resolution c) Likes the thought of petitions being submitted in a timely manner and suggested that the group organizing the petition indicate which election date they would prefer their petition to be placed on the ballot and possibly specify a secondary option as well

Date Presented	Presented by	Topic(s)
10/1/2015	Nick Shannin	<ul style="list-style-type: none"> <li>a) The office of the Supervisor of Elections appreciates the work groups' decision not to move forward on the topic of a period of time after an initiative petition has been placed on the ballot and failed to pass during which an identical or substantially similar initiative may not be placed on the ballot</li> <li>b) The Supervisor of Elections does not have the power to put an initiative petition on the ballot</li> <li>c) The BCC must place the initiative petition on the ballot even if an affirmative vote does not have to take place to do so</li> <li>d) The Charter provides the BCC the opportunity to call for a referendum by resolution</li> </ul>
10/1/2015	Bill Barnett	<ul style="list-style-type: none"> <li>a) There are outside groups that would spend money a second time</li> <li>b) The Commission serves a purpose to ensure the County does not implement something that is damaging to the County</li> </ul>
10/1/2015	Terri Falbo	<p>Asked if the group circulating a petition is aiming to be on the November ballot but because of the rolling time period they may get enough signatures sooner, would that cause the petition to be placed on an earlier ballot. Is this a possible scenario and is anyone concerned with this type of issue</p>
10/1/2015	Linda O'Keefe	<p>In favor of making sure the initiative process is followed correctly by having the BCC vote on the petition as a last measure</p>
10/22/2015	Linda O'Keefe	<p>Having a requirement of a financial impact statement is a good idea to be placed on the ballot and encourages the work group members to vote for it</p>
10/22/2015	John Lina	<p>Asked if the impact statement will include opportunity cost</p>
10/22/2015	Bill Barnett	<p>Concerned with the opportunity cost, encourages the members to support the original motion</p>
10/22/2015	Bill Cowles	<ul style="list-style-type: none"> <li>a) In regards to the opportunity cost, if it goes to electioneering depending on how it is written, it could be a challenge putting it on the ballot</li> <li>b) Asked was the motion for a financial impact statement only for the CRC to the ballot, the BCC to the ballot, or from the citizens</li> <li>c) Require the organization of the initiative petition to submit the financial impact statement when they file their petition with the Supervisor of Elections Office</li> </ul>
10/22/2015	Lorraine Tuliano	<p>It seems to be a long laborious process to find someone to craft a financial impact statement when you have a qualified Comptroller available</p>

Date Presented	Presented by	Topic(s)
10/22/2015	Todd Catella	<ul style="list-style-type: none"> <li>a) When placing the amendments in sections in order of CRC, Board, and initiative; there should not be an identification mark separating the sections to ensure people are assessing the merit of the question and not where they came from</li> <li>b) Likes the thought of a back-up person being allowed to withdraw or terminate a petition in case the other party is not available and question if the form created by the Supervisor of Elections can be challenged</li> <li>c) The November 3rd meeting is important to attend from the public side</li> </ul>
11/03/2015	Trini Quiroz	Asked what are the things excluded, what is the exception of the initiative petitions process
11/03/2015	Michelle Levy	Asked who will pay for the volunteers' badges
11/03/2015	Mike Ketchum	<ul style="list-style-type: none"> <li>a) Thanked the work group members for their efforts by generating greater transparency</li> <li>b) The members have kept a really good balance, looking forward to seeing the process move ahead</li> </ul>
11/03/2015	Bill Barnett	<ul style="list-style-type: none"> <li>a) Include the words "clearly visible" to ensure the badges are clearly displayed</li> <li>b) Need for transparency and disclosure</li> <li>c) The transparency of the process is the important factor</li> <li>d) The report specifies no action was taken; however, other actions have been taken that address this issue of the impact and influence of money from outside of Orange County on the Orange County initiative petition process</li> </ul>
11/03/2015	Linda O'Keefe	<ul style="list-style-type: none"> <li>a) Agrees with the idea of stating paid or volunteer on the badge; however, the badge should also include the name of the political committee</li> <li>b) Disclosure for the public is very important</li> <li>c) The members haven't really addressed the impact of money from outside groups; however, enough has been done to create some transparency in the system</li> <li>d) Suggested adopting a residency requirement for sponsors; although, understands it can cause a legal battle</li> </ul>
11/03/2015	Debra Sumner	Include a 75 word limit to help citizens get an overview of what they are voting for
11/19/2015	<b>No One Addressed the Work Group</b>	

FINAL REPORT AND RECOMMENDATION  
INITIATIVE PETITIONS WORK GROUP  
EXHIBIT “B”

## **Proposals Received for Initiative Petition Related Charter Amendments**

- **Number of signed petitions required to qualify an initiative petition for the ballot:**
  - Increase the percentage of signed petitions required to qualify an initiative petition for the ballot:
    - ~~Ordinance by initiative;~~
    - Charter amendment by initiative; or
    - ~~Both.~~
  - ~~Provide for a higher and lower required percentage of signed petitions depending on whether the initiative is a paid petition-gathering effort or non-paid, respectively.~~
    - ~~Require notarized affidavits from the initiative petition sponsor and petition-gatherers certifying that the petition-gathering effort is unpaid.~~
    - ~~With savings language to specify that in the event the higher required percentage for paid petition-gathering efforts is invalidated by court order, the required percentage of signed petitions, whether the effort was paid or unpaid, would then default to be the higher required percentage.~~
  - With respect to charter amendments by initiative, require a specified minimum percentage of signed petitions from each county commission district, rather than from only a majority of districts.
- **Requirements and regulations concerning petition gathering and petition-gatherers:**
  - Identify sponsor on the face of the petition
  - Sponsor registration as a political committee
  - ~~Qualifications of petition-gatherers~~
  - Require a declaration under penalty of perjury ~~notarized affidavit~~ from each petition-gatherer with respect to each signed petition, specifying:
    - The name and address of the petition-gatherer;
    - Whether the petition-gatherer was paid for his or her work in gathering that petition;
    - By whom the petition-gatherer was paid;
    - If paid, whether the petition-gather was paid on:
      - An hourly basis;
      - A per-signature basis; or
      - Some other basis therein described.
    - That the petition was signed in the petition-gatherer's presence;
    - That the petition signer had enough time to read the petition language. (Potentially modeled on Duval County and Broward County Charter language.)
  - Require that petition-gatherers wear a badge indicating whether they are paid or unpaid, ~~and if paid, by whom.~~
  - Signature requirements on petition
    - Name, address, date, ~~county commission district~~, etc.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals )

- Provide for a procedure for a petition signer to withdraw his or her signature from an initiative petition effort.
  - ~~Which might implicate the need to~~ add a requirement that petitions be submitted to the Supervisor of Elections monthly within a specified number of days after the date of signature.
- ~~Address electronic petition-gathering~~
- ~~Address petitions in other languages~~
- Additional concerns specified by the Supervisor of Election's Office
- **Substantive Requirements for Initiative Petitions**
  - Provide for a single subject requirement for:
    - ~~Charter amendments by initiative;~~
    - ~~Ordinances by initiative; or~~
    - Both.
  - ~~Provide for a 75 (or other number) word limit on the textual revision to the county charter or code of ordinances proposed by initiative petition.~~
  - Provide for a legal review process for initiative petitions (Potentially modeled on Brevard County Charter language):
    - Who would conduct this review? Legal Review Panel
    - ~~If those persons are appointed, who would appoint them?~~
    - At what point in the process would the legal review occur?
      - Potentially, upon attaining a minimum threshold percentage of signed petitions.
  - Require that a Financial Impact Statement prepared by the County Comptroller Commission ~~or other body~~ be included with an initiative petition ballot summary on the ballot. (Potentially modeled on Hillsborough County Charter language, Section 8.05)
  - Provide for a period of time after a charter amendment by initiative petition is passed, during which such charter amendment cannot be disturbed, i.e., amended or repealed.
  - ~~Provide for a period of time after an initiative petition is placed on the ballot and fails to pass, during which an identical or substantially similar initiative petition:~~
    - ~~May not be placed on the ballot; or~~
    - ~~Is made subject to a higher percentage petition requirement (as in the Duval County Charter, providing for a 10% threshold rather than 5% in such a case.)~~
- **Procedural Requirements for Initiative Petitions**
  - Time periods for process
  - ~~Moving due date for petitions to qualifying period for election~~ Removed special elections.
  - Provide for a mandatory public hearing on initiative petition proposals ~~charter amendments by initiative petition.~~
  - Provide guidance to the Supervisor of Elections concerning ballot order, placement, labeling, and format relating to charter amendments.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals )



- Specify who is responsible for ballot translation.
- Provide for a formal mechanism by which a sponsor of an initiative petition can withdraw or terminate its initiative petition effort.
- ~~Process by which the BCC may place an amendment on the ballot~~
- Sec. 601 - Initiatives and Referendum
- **Use of Initiative Petition Process**
  - ~~Amend charter only through charter review process~~
  - ~~No ordinance by initiative process~~
  - Address the impact and influence of money from outside of Orange County on the Orange County initiative petition process.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals )

FINAL REPORT AND RECOMMENDATION  
INITIATIVE PETITIONS WORK GROUP  
EXHIBIT “C”



## 2016 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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### Exhibit "C" – Comprehensive List of All Proposed Charter Changes Set Forth in Final Report and Recommendation of the Initiative Petitions Work Group

*The following is a comprehensive list of all proposed charter changes discussed in the Final Report and Recommendation of the Initiative Petitions Work Group, tracking the existing structure of Sections 601, 602, and 603 of the Orange County Charter, written to facilitate the drafting of charter language. The list incorporates the existing language of Sections 601 and 602 of the Orange County Charter, with existing charter language italicized, and proposal elements in plain text and bulleted. Section 602 has been split into seven subsections, lettered A through G. The existing language of Section 602 has been divided in the presentation below, with the language of existing Subsections A and B (dealing with the referendum processes for both charter amendments and ordinances by initiative) moved to Subsection 602.G. Referendum.*

#### **ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL**

##### **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 ten (10) percent of the county electors in each commission district ~~a majority of the commission districts~~ as of January 1 of the year in which the petition is initiated.*
- B. *Ordinance. A petition seeking to enact, amend or repeal an ordinance shall be signed by seven (7) percent of the county electors in each commission district as of January 1 of the year in which petition is initiated.*

-- Change the number of signatures necessary for a charter amendment by initiative from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district.

##### **Sec. 602. - Procedure for initiative and referendum.**

*The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on*

*which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days verify the signatures thereon and submit a written report to the board.*

#### **602.A. Initiation of Process**

- Require that the sponsor of an initiative petition “register as a political committee as required by general law.”
- Require that the sponsor of an initiative petition provide a translation of the ballot title and ballot summary in the language(s) required by law at the time the petition form is filed with the Supervisor of Elections for review.
- Specify that the Supervisor of Elections shall, within 15 days after submittal, render a determination on the form of the proposed petition.
- Specify that each proposed charter amendment by initiative and each ordinance by initiative “shall embrace but one subject and matter directly connected therewith.”

#### **602.B. Form of Petition**

- Specify that the petition form shall contain the ballot title, ballot summary, and proposal language.
- Require that the petition form contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer pursuant to Section 92.525(1)(c), Fla. Stat., for each petition gathered by a petition gatherer, specifying:
  - Name and address of the petition gatherer;
  - Whether the petition gatherer was a paid gatherer or volunteer gatherer;
  - If paid, by whom;
  - If paid, whether paid on:
    - An hourly basis;
    - A per-signature basis; or
    - Some other basis therein described;
  - That the petition was signed in the petition gatherer’s presence;
  - That the petition signer had sufficient time to read the petition language;
  - That the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.

### **602.C. Petition Gathering**

- Require that a petition gatherer gathering a county initiative petition who is not being paid to do so shall display a badge that states the words "VOLUNTEER GATHERER", in a form and manner specified by ordinance.
- Require that a petition gatherer gathering a county initiative petition who is being paid to do so shall display a badge that states the words "PAID GATHERER", in a form and manner specified by ordinance.
- Require that a petition gatherer sign and verify the affidavit required on the petition form for each petition gathered by the petition gatherer.

### **602.D. Submission of Signed Petitions; Verification of Requisite Signatures**

- Require that all signed petitions gathered by petition gatherers in a month be submitted to the Supervisor of Elections no later than the 5<sup>th</sup> day of the following month.
- Require that the Supervisor of Elections verify the validity of the signatures submitted within 30 days after submittal.
- Require that the Supervisor of Elections post a tally of the number of signatures verified on the Supervisor of Elections' website for public view.

### **602.E. Legal Review, Financial Impact; Public Hearing**

- Specify that upon verification by the Supervisor of Elections that a petition has been signed by at least 1% of the county electors in each of the commission districts, the Supervisor of Elections shall so notify the Comptroller and the Legal Review Panel.

#### **Legal Review**

- Specify that the Legal Review Panel shall be a panel of three attorneys licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's purchasing process applicable to legal services.
- Specify that the Legal Review Panel shall meet and render a determination, within 20 days after notification by the Supervisor of Elections, whether the proposed initiative petition, including ballot title, ballot summary, petition language, and ballot language translations, embraces but one subject and matter directly connected therewith, and is consistent with the Florida Constitution, general law, and the restrictions of the Charter.
- Specify that if at least two members of the Legal Review Panel determine that the proposed initiative petition embraces but one subject and matter directly connected

therewith, and is consistent with the Florida Constitution, general law, and the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth the reasons therefor, and so notify the Board of County Commissioners, the Supervisor of Elections, and the sponsor of the petition.

-- Specify that if at least two members of the Legal Review Panel determine that the proposed initiative petition does not embrace but one subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth the reasons therefor, so notify the Board of County Commissioners, the Supervisor of Elections, and the sponsor of the petition, and the petition drive shall thereafter terminate. None of the signatures acquired in such a petition drive may be carried over into another identical or similar petition.

#### Financial Impact Statement

-- Specify that within 20 days after notification by the Supervisor of Elections, the Comptroller shall prepare and transmit to the Board of County Commissioners, Supervisor of Elections and the sponsor of the petition, a separate financial impact statement, not exceeding 75 words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The Comptroller shall also prepare translations of the financial impact statement into the language(s) required by law.

-- Specify that the 75-word financial impact statement shall be placed on the ballot immediately following the ballot question.

-- Require that the sponsor of the petition, upon receipt of the financial impact statement, shall prepare and submit to the Supervisor of Elections for review and approval a revised petition form containing the financial impact statement.

-- Specify that the Supervisor of Elections shall, within 15 days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.

-- Require that least 75% of the signed petitions include the 75-word financial impact statement.

#### Public Hearing

-- Specify that within 60 days after notification of legality by the Legal Review Panel, a public hearing shall be held on the petition before the Board of County Commissioners.

#### **602.F. Termination of Petition Drive by Sponsor; Withdrawal of Signature by Petition Signer**

-- Specify that a sponsor of an initiative petition may terminate a petition drive by filing a completed form so stating, in a form promulgated by the Supervisor of Elections, with the Supervisor of Elections.

-- Authorize a petition signer to withdraw his or her signature by filing, with the Supervisor of Elections, a completed form so stating, in a form promulgated by the Supervisor of Elections and available to print from the Supervisor of Elections website, adequately identifying the petition signer and petition drive, prior to the verification of signatures by the Supervisor of Elections.

#### **602.G. Referendum**

- A. *Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.*
- B. *Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.*
- C. *The initiative power shall not be restricted, except as provided by general law and this Charter.*

-- Remove the requirement that the Board of County Commissioners call a referendum on the question of the adoption of the petition, and specify that a referendum will be held on the question automatically after verification of sufficient signatures by the Supervisor of Elections.<sup>1</sup>

-- Remove "special election" as an election at which a referendum can be held on an initiative petition, thereby providing that the referendum will be held at the next primary or general election occurring at least 150 days after verification of sufficient signatures by the Supervisor of Elections.

-- Specify that charter amendments appearing on the ballot be labeled using alphabet lettering (A, B, C, etc.), and placed in the following order: first, amendments proposed by the Charter Review Commission; next, amendments proposed by the County Commission; and last, amendments proposed by the initiative petition process; in each case, identifying the section of the charter being amended along with the title.

-- Provide that successful charter amendments proposed by initiative petition may not be amended or repealed for a period of one year after its effective date.

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<sup>1</sup> This change also entails the removal of Section 603C of the Orange County Charter, which states:

C. Notwithstanding any other provision of this charter, the board is prohibited from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.

Because the BCC will no longer call a referendum on an initiative petition in any event, the section will no longer be effective.



FINAL REPORT AND RECOMMENDATION  
INITIATIVE PETITIONS WORK GROUP  
EXHIBIT “D”

**Exhibit B****Breakdown of Required Percentage of Registered Voters, and from How Many Districts  
for Ordinances by Initiative and Charter Amendments by Initiative under Florida's 20 County Charters**

<b><u>Charter County</u></b>	<b><u>Population</u></b>	<b><u>Ordinance by Initiative</u> <b>% of Reg. Voters Req. on Petition, and from How Many Commission Districts</b></b>	<b><u>Charter Amend. by Initiative</u> <b>% of Reg. Voters Req. on Petition, and from How Many Commission Districts</b></b>
Alachua	247,337	7%, county as a whole	10%, county as a whole
Brevard	545,184	5%, county as a whole, with 5% from 3 of 5 districts	4% from each of 5 districts
Broward	1,753,162	7%, county as a whole, with no more than 25% from any one of 9 districts	7%, county as a whole, with no more than 25% from any one of 9 districts
Charlotte	160,463	10%, county as a whole	10%, county as a whole
Clay	191,143	10%, county as a whole	10%, county as a whole
Columbia	67,528	7%, county as a whole, with 7% from 3 of 5 districts	10%, county as a whole, with 10% from 3 of 5 districts
Duval	864,601	(No Ordinance by Initiative Process)	5%, county as a whole, or 10%, county as a whole, if proposed a second time within a 12 month period
Hillsborough	1,238,951	(No Ordinance by Initiative Process)	8%, county as a whole, with 8% from 2 of 4 districts
Lee	625,310	5%, county as a whole, with no more than 30% from any one of 5 districts	7%, county as a whole
Leon	276,278	10% from each of 5 commission districts	10% from each of 5 commission districts
Miami-Dade	2,516,515	4%, county as a whole, with no more than 25% from any one of 13 districts	10%, county as a whole
Orange	1,157,342	7% from each of 6 commission districts	10% from each of 4 of 6 commission districts [10% x (4/6) = 6.67%]
Osceola	273,867	7%, county as a whole	10%, county as a whole
Palm Beach	1,325,758	7%, county as a whole	7%, county as a whole
Pinellas	918,496	(No Ordinance by Initiative Process)	10%, county as a whole, with no more than 40% from any one of 3 at-large districts, and no more than 30% from any one of 4 single member districts
Polk	604,792	6% from each of 5 commission districts	7% from each of 5 commission districts
Sarasota	381,319	(No Ordinance by Initiative Process)	5%, county as a whole
Seminole	424,587	5%, county as a whole, with 5% from 3 of 5 districts	7.5%, county as a whole, with 7.5% from 3 of 5 districts
Volusia	495,400	(No Ordinance by Initiative Process)	5% from each of 5 commission districts
Wakulla	30,877	30% from each of 5 commission districts	30% from each of 5 commission districts

# Memo

**To:** Orange County Charter Review Commission

**From:** Cliff Shepard; Shepard, Smith, Kohlmyer & Hand, P.A.

**Date:** November 20, 2019

**Re:** Background of Changes to Article VI of the Charter

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The 2016 Amendments to Sections 601 through 603 of the Charter made a host of changes to the Orange County petition process. Below is a discussion of the amendments as well as their impact on the timeline for successfully gathering signatures for a petition.

## **Prior Law and the 2016 Amendments**

Prior to 2016, a sponsor would submit a petition to the Supervisor of Elections for approval as to form. Once approved, the Sponsor had 180 days to secure the signatures of 10% of the electors in a majority of County commission districts. The Board was prohibited from calling a referendum on a proposed charter ordinance or initiative which, in the Board's view, would partially or wholly violate the Charter of Florida law. Otherwise, there were few procedural hurdles.

The 2016 Amendments made changes to:

- The content of the petition;
- The procedure for collecting petition signatures;
- The procedure to get the petition on the ballot; and
- The content of the ballot questions.

## **Current Requirements per the 2016 Amendments**

### ***Content of the Petition***

Prior to gathering signatures, a sponsor of a proposed petition must register as a political committee as required by general law and submit their petition language to the Supervisor of Elections for approval. The Amendments added four requirements to the substance of the petition:

- Each petition is now limited to only one subject and matter directly connected therewith;
- All petitions must include the ballot title, summary, and full text of the change proposed;
- All petitions must include an affidavit to be signed by the petition gatherer specifying their name and address, whether and how they were paid, that the petition was signed in the gatherer's presence, that the signer had sufficient time to read the petition, and that the gatherer believes the signature to be genuine; and
- After obtaining 1% of the required signatures in each district, the Petition must be amended to add a Financial Impact Statement prepared by the Comptroller, as discussed further below.

The sponsor of the petition must also prepare and submit translations for all required ballot languages.

### ***Collecting Petition Signatures***

The 2016 Amendments add the new Subsections 602(C) and (D), regulating the collection of signatures and requiring monthly submission of petition signatures.

Subsection (C) requires any individual gathering petitions to wear a badge identifying themselves either as a "Volunteer Gatherer" or a "Paid Gatherer," depending on whether the gatherer is paid. The gatherers must individually sign the required affidavits present on each petition. If an elector signs a petition independently and submits it to a sponsor directly, the sponsor may submit the petition to the Supervisor with an accompanying affidavit stating that the petition was not collected by a gatherer, that the petition was submitted directly, and the month the petition was received.

Under Subsection (D), the sponsor must submit received petitions to the Supervisor of Elections for signature verification by the 5<sup>th</sup> of each month. This applies to both petitions collected by gatherers and those received by direct submission. The Supervisor has 30 days to verify the validity of the signatures. Once the Supervisor determines that the petition has been signed by at least 1%

of the electors of each district, it triggers three additional procedural steps, as discussed below.

### ***Getting on the Ballot***

Previously, a petition needed to be signed by 10% of the electors in a majority of the commission districts. The 2016 Amendments changed that to require 10% of electors in *each* district.

In addition to this increase in the basic requirements, the 2016 Amendments added three intermediary procedural requirements that trigger upon the sponsor obtaining the signatures of 1% of the electors in each district: (1) legal review by a panel; (2) Financial Impact review; and (3) a hearing before the Board of Commissioners. Each of these requirements are governed by Section 602(E). ***NOTE:*** The 180-day clock to complete collection of signatures is not paused or tolled while these procedures are underway.

- **Legal Review**

Section 602(E)(2) creates a new “Legal Review Panel,” to consist of three experts in local government law, procured on a semi-annual basis. Within 20 days of being notified by the Supervisor that the 1% threshold has been met, the Panel must determine whether the Petition complies with general Florida law and the requirements of the Charter. If the Panel determines that the Petition complies with the law, the Panel must provide a written opinion of that decision to the Board, the Supervisor and the sponsor. If the Panel determines that the Petition does NOT comply with the law, they must similarly provide a written opinion, which also automatically terminates the petition drive.

Note that previously the Board had this power to eliminate a petition by finding that the petition violated Florida law or the charter.

- **Financial Impact Review**

Section 602(E)(3) provides for review of the Petition by the Comptroller for financial impact. Within 20 days of being notified by the Supervisor that the 1% threshold has been met, the Comptroller must prepare and transmit to the Board, Supervisor and the sponsor a financial impact statement of not more than 75 words discussing the increase or decrease in costs or revenues to the County. Upon receiving the financial impact statement, the sponsor must submit a revised petition including that statement to the Supervisor, who then has fifteen days to determine whether the revised petition complies with the law.

The sponsor must then collect at least 75% of the required signatures using this revised petition. It appears that this means 75% of the minimum *in total*, rather than the minimum *for each district*.

- **Public Hearing**

Within 60 days of the Legal Review Panel notifying the Board that the petition is legally compliant, the Board must hold a hearing at which the sponsor, the Board and the public may comment on the petition. It does not appear that the Board may override the Panel's opinion on legality at the hearing.

### ***Content of Ballot Questions***

As previously mentioned, the ballot questions are now limited to a single subject and matter under Subsection 602(A). The financial impact statement prepared by the Comptroller, in addition to appearing on the petition, must also appear on the ballot itself.

### **Timeline under Current Law**

The Petition drive, upon being initially approved by the Supervisor, automatically terminates after 180 days if an insufficient number of signatures were collected. The 2016 amendments did not change this basic timeline except to state that the signatures must be *submitted*, not just acquired, within this 180-day timeframe. However, the timeline has changed primarily due to the new procedural steps required under Section 602. As discussed above, the 180-day clock is not paused or tolled while the County evaluates the Petition under the new procedural steps, thus giving an abbreviated window to collect at least 75% of the required signatures.

The following is a timeline for a hypothetical 2020 petition where the County administrative process takes the maximum time allowed:

- Sponsor registers as political committee (if required) and submits proposed petition language, including translations, to the Supervisor.
- January 1: Supervisor of Elections Approves proposed petition language.
  - Sponsor may now begin collecting signatures, 180-day clock begins.
- February 1: Sponsor submits January's gathered signatures to Supervisor per monthly reporting under Subsection 602(D). The signatures consist of at least 1% of the electors of each commission district.

- March 2<sup>1</sup>: Deadline for Supervisor to verify the signatures and thereby notify the Board, Comptroller and Legal Review Panel that the 1% threshold has been met under 602(E)(1).
- March 22: Deadline for Legal Review Panel to issue decision and for Comptroller to provide Financial Impact Statement.
- March 22: Sponsor immediately returns revised petition to Supervisor, adding the Financial Impact Statement.
- April 6: Supervisor approves revised petition.
  - Sponsor now has 84 days to collect at least 75% of the minimum signatures required.
- May 21: Board holds public hearing on the Petition.
- June 29: Petition period ends if insufficient signatures have been submitted. Note that the sponsor need only submit the final collected signatures at this point, the Supervisor can verify the final signatures after the 180-day deadline has passed.

Once the Supervisor has verified that sufficient signatures have been collected, the amendment either goes directly to a referendum at the next primary or general election more than 150 days following verification (in the case of a charter amendment), or it goes to the Board for potential approval (in the case of an ordinance).

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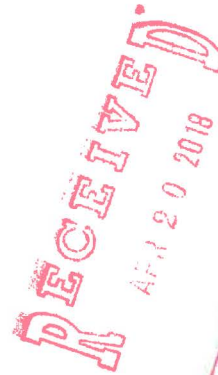
<sup>1</sup> Note in a non-leap year this would be March 3, and each subsequent date would be moved one day later.



**COUNTY ATTORNEY'S OFFICE**  
**JEFFREY J. NEWTON, County Attorney**

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April 18, 2018



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Municipal Code Corporation  
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Tallahassee, FL 32316

**Re: Orange County, Florida Charter Amendment  
Approved by Voters on November 8, 2016**

Dear Sir or Madam:

Please allow this correspondence to serve as Orange County Government's request to update the text of its Charter. On November 8, 2016, a majority of Orange County, Florida voters approved the following amendment to the Orange County Charter (underlined text indicates additions to, while ~~strike through~~ text indicates deletions from, the Orange County Charter):

**County Charter Amendment Question #1:**

**ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL**

**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 ten (10) percent of the county electors in each commission district ~~a majority of the commission districts~~ as of January 1 of the year in which the petition is initiated. No less than 75% 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 seven (7) percent of the county electors in each commission district as of January 1 of the year in which petition is initiated. No less than 75% of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to Section 602 E. 3.

**Sec. 602. - Procedure for initiative and referendum.**

A. *Initiation and Overview of Process*

The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not ~~acquired~~ submitted during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are ~~obtained~~ submitted during that one-hundred-eighty-day (180) period, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

B. *Form of Petition*

The form on which signatures will be affixed shall contain the ballot title, ballot summary, and full text of the charter or ordinance change proposed. Such form shall also contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer under penalty of perjury pursuant to Section 92.525(1) (c), Fla. Stat., for each petition gathered by that petition gatherer. Such affidavit shall specify the name and address of the petition gatherer who gathered the petition, whether the petition gatherer was a paid petition gatherer or a volunteer petition gatherer, and if paid, whether paid on an hourly basis, a per-signature basis, or some other basis therein described. Such affidavit shall also specify that the petition was signed in the petition gatherer's presence, that the petition signer had sufficient time to read the petition language, and that the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.

C. *Petition Gathering*

As used in this Charter, "petition gatherer" means any individual who gathers signatures in person for a county initiative petition. A petition gatherer gathering signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "VOLUNTEER GATHERER", in a form and manner specified by ordinance. A petition gatherer gathering signatures for a county initiative petition who is being paid to do so shall display a badge that states the words "PAID GATHERER", in a form and manner specified by ordinance. The petition gatherer shall sign and verify under penalty of perjury pursuant to Section 92.525(1) (c), Fla. Stat. the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to Section 92.525(1)(c), Fla. Stat., averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.

D. Submission of Signed Petitions Gathered by Petition Gatherers:  
Verification of Requisite Signatures

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

E. Legal Review, Financial Impact; Public Hearing

1. One Percent Threshold. Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall so notify the board, the comptroller and the Legal Review Panel.
2. Legal Review Panel. The Legal Review Panel shall be a panel of three (3) persons licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's procurement process applicable to legal services. The Legal Review Panel shall meet and render a determination, within twenty (20) days after notification pursuant to Section 602 E. 1. by the supervisor of elections, whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one subject and matter directly connected therewith, and is

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

3. *Financial Impact Statement.* Within twenty (20) days after notification pursuant to Section 602 E. 1. by the supervisor of elections, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, not exceeding seventy-five (75) words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The comptroller shall also prepare translations of the financial impact statement into those languages required by law for placement on the ballot. Upon receipt of the financial impact statement, the sponsor of the petition shall prepare and submit to the supervisor of elections for review and approval a revised petition form containing the financial impact statement,

which statement shall be separately contained and placed immediately following the ballot summary. The supervisor of elections shall, within fifteen (15) days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.

4. Public Hearing. Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the board, and the public may comment on the petition.

F. Termination of Petition Drive by Sponsor; Withdrawal of Signature by Petition Signer

A sponsor of an initiative petition may terminate a petition drive by filing with the supervisor of elections a completed initiative termination form promulgated by the supervisor of elections. Prior to final verification of sufficient signatures for an initiative petition by the supervisor of elections, a petition signer may withdraw his or her signature by filing with the supervisor of elections a completed signature withdrawal form adequately identifying the petition signer and petition drive, promulgated by the supervisor of elections and available to print from the supervisor of elections' website.

G. Referendum

- A. — 1. Charter. ~~Within thirty (30) days a~~ After the requisite number of ~~names~~ signatures have been verified by the supervisor of elections ~~and reported to the board, the board shall, by resolution, call a referendum shall be held~~ on the question of the adoption of the proposed petition ~~to be held at the next primary, or general or special election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary.~~ If the question of the adoption of the proposed petition is approved by a majority

of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year. A charter amendment adopted by initiative may not be amended or repealed for a period of one (1) year after its effective date.

B.—2. Ordinance. Within thirty (30) days after the requisite number of ~~names—signatures~~ have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, the board shall so notify the supervisor of elections, and it shall, by resolution, call a referendum shall be held on the question of the adoption of the proposed petition ~~to be held~~ at the next primary; or general ~~or special~~ election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

C.—3. The initiative power shall not be restricted, except as provided by general law and this Charter.

4. Charter amendments and ordinances by initiative appearing on the ballot shall be numbered using alphabet lettering and placed in the following order: first, charter amendments proposed by the Charter review commission; next, charter amendments proposed by the board; next,



charter amendments proposed by initiative petition; and last, ordinances by initiative. In each case, the article and section of the charter or code of ordinances being created or amended shall be stated along with the title.

**Sec. 603. - Limitation.**

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

If there are any questions regarding this information, please don't hesitate to contact my office. For your use and reference, enclosed, please find the Orange County Supervisor of Elections certification of the votes.

Thank you for your attention to this matter.

Sincerely,



Kate Latorre  
Assistant County Attorney

Enclosures: Certification of Orange County Supervisor of Elections

Copy: Phil Diamond, CPA, Orange County Comptroller  
Jeffrey Newton, Orange County Attorney



\*\*\* Official \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD  
ORANGE COUNTY**

We, the undersigned, JEANETTE BIGNEY, Chair, County Judge, BRYAN NELSON, County Commissioner, TANYA WILSON, County Judge, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the Proposed Amendments to the Constitution of the State of Florida and referendums on the Eighth day of November, 2016 A.D. as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**NO. 1  
CONSTITUTIONAL AMENDMENT  
ADD NEW SECTION 29 TO ARTICLE X  
RIGHTS OF ELECTRICITY CONSUMERS REGARDING  
SOLAR ENERGY CHOICE**

This amendment establishes a right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use. State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.

Yes for Approval	248,500	votes
No for Rejection	268,303	votes

**NO. 2  
CONSTITUTIONAL AMENDMENT  
ARTICLE X, SECTION 29  
USE OF MARIJUANA FOR DEBILITATING MEDICAL  
CONDITIONS**

Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

Yes for Approval	384,133	votes
No for Rejection	141,221	votes

**NO. 3  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6 & ARTICLE XII  
TAX EXEMPTION FOR TOTALLY AND PERMANENTLY  
DISABLED FIRST RESPONDERS**

Proposing an amendment to the State Constitution to authorize a first responder, who is totally and permanently disabled as a result of injuries sustained in the line of duty, to receive relief from ad valorem taxes assessed on homestead property, if authorized by general law. If approved by voters, the amendment takes effect January 1, 2017.

Yes for Approval	447,687	votes
No for Rejection	65,102	votes

\*\*\* Official \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
ORANGE COUNTY

NO. 5  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6 & ARTICLE XII  
HOMESTEAD TAX EXEMPTION FOR CERTAIN SENIOR,  
LOW-INCOME, LONG-TERM RESIDENTS; DETERMINATION  
OF JUST VALUE

Proposing an amendment to the State Constitution to revise the homestead tax exemption that may be granted by counties or municipalities for property with just value less than \$250,000 owned by certain senior, low-income, long-term residents to specify that just value is determined in the first tax year the owner applies and is eligible for the exemption. The amendment takes effect January 1, 2017, and applies retroactively to exemptions granted before January 1, 2017.

Yes for Approval	409,514	votes
No for Rejection	97,879	votes

CHARTER AMENDMENT QUESTION #1

Yes for Approval	313,519	votes
No for Rejection	156,466	votes

CHARTER AMENDMENT QUESTION #2

Yes for Approval	334,641	votes
No for Rejection	148,819	votes

CHARTER AMENDMENT QUESTION #3

Yes for Approval	331,075	votes
No for Rejection	138,521	votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

 11/18/2016  
\_\_\_\_\_  
CHAIR, COUNTY JUDGE

 11-18-16  
\_\_\_\_\_  
COUNTY COMMISSIONER

 11-18-16  
\_\_\_\_\_  
COUNTY JUDGE

JUL 29 2014 KHBS

ORDINANCE NO. 2014-19

EFFECTIVE DATE

JUL 31 2014

AN ORDINANCE PERTAINING TO THE ORANGE COUNTY CHARTER; AMENDING SECTION 602, PROCEDURE FOR INITIATIVE AND REFERENDUM, RELATED TO PROCEDURAL TIME-FRAMES FOR CHARTER AND ORDINANCE AMENDMENTS BY INITIATIVE; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ORANGE COUNTY, FLORIDA:

*Section 1. Charter Amendment.* Section 602 of the Orange County Charter is amended to read as follows:

**Sec. 602. Procedure for initiative and referendum.**

The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days verify the signatures thereon and submit a written report to the board.



A. Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) ~~forty-five (45)~~ days after verification of sufficient signatures by the supervisor of elections ~~the adoption of such resolution~~. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.

B. Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) ~~forty-five (45)~~ days after verification of sufficient signatures by the supervisor of elections ~~the adoption of such resolution~~. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

C. The initiative power shall not be restricted, except as provided by general law and this Charter.

**Section 2. Referendum Called.** Pursuant to its authority and duty under Article VII of the Orange County Charter, the Board of County Commissioners calls a referendum on the amendment to the charter set forth in Section 1. The referendum shall be held at the general election to be held on November 4, 2014. The ballot title and ballot summary for the referendum shall be as follows:

**COUNTY CHARTER AMENDMENT REGARDING  
ELECTIONS ON CITIZEN PETITION INITIATIVES**

For the purpose of allowing citizens more time to consider referendum elections on initiative petitions and to provide certainty regarding petition submittal requirements, shall the Orange County Charter be amended to require petition initiatives to have sufficient signatures verified at least 150 days prior to the next primary, general or special election?

\_\_\_\_\_ Yes

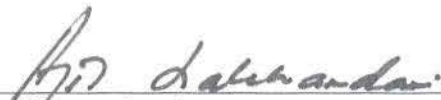
\_\_\_\_\_ No

**Section 3. Severability.** If any section, subsection, sentence, clause, or provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provision or application of this ordinance, and to this end the provisions of this ordinance are declared severable.

**Section 4. Effective Date.** This ordinance shall take effect upon its enactment. However, the amendment to the Orange County Charter in Section 1 shall take effect only if and when approved by a majority of the electors voting in the referendum called by the Board in Section 2.

ADOPTED THIS 29<sup>th</sup> DAY OF July, 2014.

**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Teresa Jacobs  
County Mayor

**ATTEST:** Martha O. Haynie, Orange County Comptroller  
As Clerk of the Board of County Commissioners

By:   
Deputy Clerk



# MEMORANDUM

**To:** 2020 Charter Review Commission (CRC)

**From:** M. Soraya Smith, Chair, Citizen Initiated Charter and Ordinance Amendment Process Committee

**Re:** Approval for Extended Topic Review

**Date:** January 24, 2020

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## ORIGINAL OBJECTIVE

Evaluate citizen-initiated charter amendments & repeals to lower the petition threshold (currently 10%)  
Evaluate citizen-initiated amendments, enactments, and repeals to lower the petition threshold (currently 7%)

## BACKGROUND

Members of the CRC Committee on Citizen Initiated Charter and Ordinance Amendment Process convened on January 8, 2020, 4:00 p.m., to further discuss findings from a variety of resources surrounding the study of lowering the petition threshold for citizen-initiated Charter and Ordinance amendments, enactments and repeals. Following the review of submitted data, historical documents (Supervisor of Elections, League of Women voters) proposal summary review from member Vilchez Santiago, CRC Legal Counsel, and public comment, the committee has moved to not make any changes to the existing threshold percentages outlined in the current Citizen Initiated Charter and Ordinance Amendment Process.

The provided historical documents, legal summaries, data, and citizen input did subsequently highlight the limiting components of the currently outlined 180-day processes/timeline in Orange County Charter (Article VI Section 601) available for Orange County citizens. Therefore, the Citizen Initiated Charter and Ordinance Amendment Process Committee moves to continue its work to ensure this process in no way limits citizens from successfully carrying out a citizen-initiated charter or ordinance amendment petition including tolling considerations given the multiple county departments required to move forward in this petition process (Supervisor of Elections, County Board of Commissioners, Comptroller's Office and the appointed Legal Review Panel).

## ACTION REQUESTED

The Citizen Initiated Charter and Ordinance Amendment Process Committee of the 2020 CRC requests authority from the full CRC to look at all aspects of the 180-day timeline limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative petition.

For your quick reference, I have attached a copy of the Petition Timeline as provided by the Supervisor of Elections Office-Bill Cowles on December 2, 2019, extracted from Attachment H page 6.

/Attachment



## Memo

February 27, 2020

**To:** Members of the Citizen-Initiated Charter and Ordinance Amendment Process

**From:** Patrick Brackins

**CC:** [charter2020@occompt.com](mailto:charter2020@occompt.com)

**Issue:** Is the Supervisor of Elections' *Petition Timeline* accurate where it states the “Board” will render a decision on a petition twenty (20) days after being notified by the Supervisor of Elections that the sponsor has reached the 1% threshold?

**Answer:** No. The decision being referenced in the memo is actually a reference to the decision to be rendered by the legal review panel, which the Supervisor incorrectly calls “the board.”

At the February 19, 2020 meeting of the Citizen-Initiated Charter and Ordinance Amendment Process Committee (the “Committee”), it was provided with a December 2, 2019 letter and package from Bill Cowles, the Orange County Supervisor of Elections (the “SOE”). Included within the package, at Attachment H, is a “Petition Timeline” setting forth the scheduling milestones contained in the 2016 Charter Revisions. The Petition Timeline is **not** part of the charter or an ordinance, but is simply a document prepared by the SOE describing the charter’s deadlines and requirements for citizen initiatives. Attached hereto as Exhibit 1 is a composite exhibit containing the SOE’s correspondence and the Petition Timeline.

A question arose from the Committee regarding the following language in the Petition Timeline: “Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification.” The Committee appeared to believe that the Petition Timeline’s use of the term “board” in the above excerpt meant the Board of County Commissioners (the “BCC”). This was a reasonable interpretation because two lines later the Petition Timeline’s use of the term “board” unquestionably refers to the BCC. The Committee presumed that the Petition Timeline accurately

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reflected the law as it exists in the charter and questioned why the BCC would render a decision early in the process and then hold a public hearing later in the process.

At the meeting, general counsel advised the Committee that it appeared the SOE's Petition Timeline used imprecise language when describing the legal review process contained in the charter. The Committee asked general counsel to examine the accuracy of the language contained in the SOE's Petition Timeline and to provide a memorandum regarding same.

The language used by the SOE, specifically the reference that "[t]he board shall render its decision within twenty days after notification," is incorrect. Section 602(E)(1) of the Charter provides:

*One (1) percent threshold:* Upon verification by the [SOE] that a petition has been signed by at least one (1) percent of the county electors in each commission district, the [SOE] shall so notify the board, the comptroller and the legal review panel. (Emphasis added).

The Petition Timeline accurately states that SOE will notify the board, meaning the BCC, but then skips over the precise role played by the Legal Review Panel. Immediately thereafter, subsection (E)(2) of the charter provides that the Legal Review Panel (not the BCC):

[S]hall meet and render a determination, within twenty (20) days after notification [from the SOE] whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith and is not inconsistent with the Florida Constitution, general law, or the restriction of the Charter.

Sec. 602(E)(2) (emphasis added). Thus, when the SOE's Petition Timeline refers to the "board" in the statement "[t]he board shall render its decision within twenty days after notification," the SOE meant to refer to the Legal Review Panel, rather than the BCC, which renders its decision on legal sufficiency under the charter within twenty (20) days after being notified by the SOE that a sponsor has reached the 1% threshold.

The Legal Review Panel consists of "a panel of three (3) persons licensed to practice law in the State of Florida who have demonstrated experience in Florida local government law, and who shall



be selected on a bi-annual basis through the county's procurement process applicable to legal services." *Id.* The Charter further provides:

If at least two (2) members of the legal review panel determine that the proposed initiative petition does not embrace but one (1) subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the [BCC], the [SOE], and the sponsor of the petition.

*Id.* In the event the Legal Review Panel issues a negative opinion as to legality, then "the petition drive shall thereafter terminate, and no of the signatures acquired in such a petition drive may be carried over onto another petition." *Id.*

The BBC does not become involved until after the SOE, Legal Review Panel, and Comptroller conduct their respective responsibilities under the Charter. Then, "[w]ithin sixty (60) days after notification of legality by the legal review panel, the [BCC] shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the [BCC], and the public may comment on the petition." *Id.* at Sec. 602(E)(4). The Charter does not provide further details regarding the public hearing. However, the charter is clear that BCC only holds one (1) public hearing sixty (60) days after being notified of the Legal Review Panel's legality determination and the BCC does not render a separate decision twenty (20) days after it receives notification that the sponsor has reached the 1% threshold. Accordingly, the "board" referred to in that portion of the SOE's Petition Timeline quoted above refers to the Legal Review Panel and not the BCC.

# Exhibit 1

**BILL COWLES**  
Supervisor of Elections  
Orange County, Florida



OUR MISSION IS TO:

Ensure the integrity of the electoral process.  
Enhance public confidence.  
Encourage citizen participation.

To: Cliff Sheppard, Orange County CRC Legal Counsel  
From:  Bill Cowles, Orange County Supervisor of Elections

Date: December 2, 2019

Re: Orange County Initiative Petition History

## Prior to the 2016 Charter Revisions-

1. July 1, 1997, "Petition to Enact an Ordinance in Orange County, FL." **(Attachment A)**  
Petition was not approved. See memo from County Attorney's office.
2. February 18, 2004, "To elect the office of Chief of Orange County Jail." **(Attachment B)**  
Petition was approved. No petitions were submitted.
3. May 31, 2012, "Petition to Place Orange County Ordinance for Earned Sick Time for Employees of Business in Orange County." **(Attachment C)**  
Petition was approved. A total of 73,841 petitions were submitted.
4. October 16, 2012, "Changing Elections for Charter Office from Nonpartisan to Partisan Elections and Removing Run-off Provision." **(Attachment D)**  
Petition was approved. A total of 15,745 petitions were submitted prior to disbandment.
5. December 19, 2013, "Petition to Place Orange County Charter Amendment on Use of Tourist Development Tax on Ballot." **(Attachment E)**  
Petition was approved. No petitions were submitted.
6. February 24, 2014, "Petition to Place Orange County Charter Amendment Regarding Save Our Children from Common Core." **(Attachment F)**  
Petition was approved. No petitions were submitted.

## After the 2016 Charter Revisions-

1. April 26, 2018, "R.U.R.A.L. Boundary Petition Initiative." **(Attachment G)**  
Petition was approved. No petitions were submitted.

Also find enclosed charter initiative petition forms and petition timelines effective subsequent to the 2016 Charter Revisions. **(Attachment H)**.

Cc: Soraya Smith, Chair, CRC Citizen Initiative Subcommittee  
Katie Smith, Deputy Clerk, Orange County Comptroller Office

119 West Kaley Street, Orlando ■ Reply to: Post Office Box 562001, Orlando, Florida 32856  
Phone (407) 836-2070 ■ Fax (407) 254-6596 ■ TDD (407) 422-4833 ■ Internet: [www.ocfelections.com](http://www.ocfelections.com)

## **Attachment H**

Petition \_\_\_\_\_

Ballot Title \_\_\_\_\_

Sponsoring Political Committee \_\_\_\_\_

#### Petition Timeline-

**Initiative petition** sponsors must register as a PAC and, prior to obtaining any signatures, shall submit the text of the proposed petition to the SOE, with the form on which signatures will be affixed, and shall obtain the approval of the SOE of such form. **Text Submittal Date-** \_\_\_\_\_

SOE shall make a determination regarding the approval of the form within fifteen days. **SOE Approval Date-** \_\_\_\_\_

The date of approval by the SOE marks the beginning of the 180 day time frame for the petition drive, after which the petition drive shall terminate. **180 Day Termination Date-** \_\_\_\_\_

If sufficient signatures are submitted, the SOE shall within thirty days thereafter verify the signatures therein and submit a written report to the board. **SOE Written Report Submittal Date-** \_\_\_\_\_

The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the SOE for signature no later than the fifth day of the following month. The SOE shall verify the validity of signatures for each signed petition within thirty days after submittal.

Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification. **SOE Board Notification Date-** \_\_\_\_\_ **Board Decision Date-** \_\_\_\_\_

After notification by the SOE regarding the 1% threshold, the comptroller shall, within twenty days after notification, prepare and transmit a financial impact statement. The sponsor of the petition shall then submit a revised petition form containing the financial impact statement to the SOE. The SOE shall, within fifteen days after submittal of the revised petition containing the financial impact statement, render a determination.

**Comptroller Financial Impact Statement Date-** \_\_\_\_\_ **SOE Revision Determination Date-** \_\_\_\_\_

Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition. **Public Hearing Date-** \_\_\_\_\_

#### Referendum

**Charter-** After the requisite number of signatures have been verified by the SOE, a referendum shall be held on the question of adoption of the proposed petition at the next primary, or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.

**Ordinance-** Within thirty (30) days of the requisite number of signatures have been verified by the SOE, the board shall notice a public hearing on the proposed petition and vote on it. If the board fails to adopt the proposed petition, the board shall notify the SOE a referendum shall be held on the adoption of the proposed petition at the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.



## Memo

Date: April 14, 2020

To: Members of the Citizen-Initiated Charter and Ordinance Amendment Process

From: Patrick Brackins

CC: charter2020@occompt.com

Re: What are the precise deadlines for the principals involved in the 180-day process?

1. There is no deadline for the sponsor to present the Supervisor of Elections (“SOE”) with the proposed petition. After registering “as a political committee as required by general law,” but before obtaining any signatures, the sponsor must submit the text to the SOE and the form where signatures will be placed for approval by the SOE. Sec. 602(A).

2. The SOE has fifteen (15) days after the sponsor submits the petition and signature form to “render a determination on the form on which signatures will be affixed.” The date the SOE approves the form on which signatures will be submitted is the date the 180-day period begins to run. Sec. 602(A).

3. Once approved, the sponsor must submit all signed petitions during the month in which they were received to the SOE for signature verification no later than the fifth day of the following month. Sec. 602(D).

4. There is no deadline, other than the 180-day deadline, for the sponsor to reach the 1% threshold. If the sponsor doesn’t meet all criteria within the 180-day deadline, then

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the petition is null and void. However, the SOE is required to “post a running tally of the number of signatures verified for each initiative petition on the SOE’s website for public view.” Each month when signatures are submitted, the SOE “shall verify the validity of the signatures for each petition submitted within 30-days after submittal to the SOE.” Thus, there is natural delay where the sponsor submits signatures gathered during the month and then the SOE has 30-days to verify those signatures while keeping a running tally on the SOE’s website.

5. There is no deadline, other than the 30-day deadline to verify signatures, for the SOE to notify the County Commission, the Comptroller, and Legal Review Panel that the sponsor has reached the one (1%) percent threshold. Sec. 602(E).

6. The Legal Review Panel must render a legal determination within twenty (20) days. After receiving notice of the 1% threshold by the SOE, the Legal Review Panel has twenty days to render a decision as to “whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter.” If the Legal Review Panel finds the proposal is inconsistent or embraces more than one subject, it must render a written opinion and notify the board, the SOE and the sponsor. The petition then terminates. If the Legal Review Panel finds the proposal is consistent and embraces only one subject, then it issues a written opinion and notifies the board, the SOE and the sponsor. Sec. 602(E)(1)-(2).

7. The Comptroller has twenty (20) days to prepare a financial impact statement after being notified by the SOE that the sponsor has reached the 1% threshold. The financial

impact statement may not exceed seventy-five (75) words and must be transmitted to the board, the SOE and the sponsor. Sec. 602(E)(3).

8. The Twenty (20) day deadlines for the Legal Review Panel and the Comptroller run concurrently. Sec. 602(E)(1)-(3).

9. Once the sponsor receives the financial impact statement, the sponsor is required to prepare and submit to the SOE for review and approval a revised petition form containing the financial impact statement. Sec. 602(E)(3).

10. The SOE has fifteen days after the revised petition is submitted to render a determination on the form of the revised petition. Sec. 602(E)(3). This determination is limited to the sufficiency of the form of the revised petition similar to the sufficiency review performed by the SOE in paragraph 2 above.<sup>1</sup>

11. The Board of County Commissioners has sixty (60) days from the date it received notice of the Legal Review Panel's determination to hold a public hearing on the petition, at which the sponsor, the Board, and the public may comment on the petition. Sec. 602(E)(4).

A shorthand version of the timeline and deadlines is as follows:

1. Sponsor submits original proposed petition and signature form to SOE;
2. SOE has 15 days from the date of submittal to approve the form;

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<sup>1</sup> "No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3." Sec. 601(A). This provision is significant because it means that the sponsor cannot simply continue to gather signatures on the original petition forms while the review is undertaken but must wait until the new form is approved, thus wasting valuable time in the signature collection process.

3. 180-day period begins on the date the SOE approves the form of the original petition;
4. Petitioner then gathers signatures until 1% threshold is met;
5. Each month the sponsor must submit signatures to SOE for verification and SOE has 30 days to verify signatures. This 30-days is not directly connected to or contingent upon the other deadlines;
6. Once SOE determines the 1% threshold is met it notifies the Board, the Legal Review Panel, and the Comptroller;
7. Other than the thirty (30) days deadline the SOE has each month to verify signatures, there is no independent deadline stating how much time the SOE has to notify the Board, the Legal Review Panel and the Comptroller that the 1% threshold has been met;
8. Legal Review Panel has twenty (20) days to render a decision after receiving notice of the 1% threshold from the SOE;
9. The Comptroller has twenty (20) days to render a financial impact statement after receiving notice of the 1% threshold from the SOE;
10. Once the sponsor receives the financial impact statement it is required to submit a revised petition to the SOE. (No deadline for sponsor);
11. Once the SOE receives the revised petition it has fifteen (15) days to determine whether the revised form is valid. 75% of all required petition signatures must be on the revised petition;
12. The Board has sixty (60) days from the date it is notified by the Legal Review Panel that the petition is consistent and embraces but one subject to hold a public hearing where the sponsor, the Board and the public may be heard; and



13. The SOE continues to verify signatures until the sponsor reaches the required 10% threshold or withdraws the petition; or if the Legal Review Panel renders a negative determination the petition terminates.

## 2020 Orange County Charter Review Commission (CRC)

### Subcommittee Proposal on the Citizen-Initiated Charter and Ordinance Amendment Process (Orange County Charter, Sec. 601)

Presented by Member Samuel Vilchez Santiago on October 22, 2019

#### Executive Summary

This document details CRC member Samuel Vilchez Santiago's proposal to establish a CRC subcommittee that evaluates (1) lowering the petition threshold for citizen-initiated Charter amendments and repeals from 10 percent of all registered voters per county district and (2) lowering the petition threshold for citizen-initiated Ordinance amendments, enactments and repeals from 7 percent of all registered voters per county district. Specifically, this proposal seeks the creation of a CRC subcommittee to study Section 601 of the Orange County Charter. In addition, this document specifies some of the reasoning behind this proposal, including the total number of registered voters per county district and the number of necessary signed petitions under the current and proposed language. It also includes a description of how difficult it is to place a charter/ordinance amendment-related ballot question through the citizen-initiated process, detailing potential costs and hours of work based on estimates. Finally, this document presents a brief summary of citizen-initiated charter and ordinance amendment processes in other similarly populated Florida counties, demonstrating Orange County's current petition threshold to be significantly higher than its counterparts.

#### Orange County Charter, Section 601

"Article VI - Initiative, Referendum and Recall

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 **ten (10) percent** of the county electors in 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.2.
- B. *Ordinance*. A petition seeking to enact or repeal an ordinance shall be signed by **seven (7) percent** of the county electors in each commission district as of January 1 of the year in which petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3

(Amended November 1988; Amended November 2016<sup>1</sup>).”

### **Practical Meaning of Orange County Charter Section 601**

#### **a. Number of needed petitions per county district:**

For voters to initiate a successful Charter or Ordinance amendment or repeal, they would have to collect the following amount of qualifying petitions from voters in each county commission<sup>2</sup>:

<b>County Commission District</b>	<b>Total number of registered voters<sup>3</sup></b>	<b>Petitions needed to propose a Charter amendment or repeal</b>	<b>Petitions needed to propose an Ordinance amendment, enactment or repeal</b>
		<b>Total number of petitions needed under <b>current 10% threshold</b></b>	<b>Total number of petitions needed under <b>current 7% threshold</b></b>
<b>District 1</b>	158,625	15,863	11,104
<b>District 2</b>	131,410	13,141	9,199
<b>District 3</b>	142,287	14,229	9,961
<b>District 4</b>	156,514	15,652	10,956
<b>District 5</b>	150,774	15,078	10,555
<b>District 6</b>	103,041	10,305	7,129
<b>County Total</b>	<b>842,651</b>	<b>84,268</b>	<b>58,904</b>

#### **b. Calculating the potential costs of citizen-initiated charter or ordinance amendment proposals:**

[According to the National Democratic Training Committee](#), a volunteer should be expected to knock on about 20 doors per hour, with an average 25% success rate. This means that a volunteer door-knocker is expected to talk to about 5 voters per hour. If we project a 60% success rate on petition-gathering - a very optimistic projection for any campaign - then a volunteer is likely to obtain 3 signed qualifying petitions in one hour.

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<sup>1</sup> Information highlighted in yellow represents what was amended on November 2016. For more information, please review the Orange County 2016 Charter Review Commission Final Report, pages 13 and 14.

<sup>2</sup> Based on [official voter registration numbers from the Orange County Supervisor of elections](#) as of October 1, 2019.

<sup>3</sup> As of October 1, 2019.

That means that in order to reach the 84,268 petitions to place a citizen-initiated charter amendment question on the ballot, the proposing party/team would need about 28,089 hours of work,<sup>4</sup> without taking into account hours needed for planning and organizing purposes.

Let's now suppose that each volunteer gives 40 hours of their time to the petition-gathering cause - another goal that most political operatives would probably deem as difficult to achieve. If that's the case, the proposing party/group would need about 702 committed volunteers to gather enough petitions to place a charter amendment question on the ballot.<sup>5</sup> In other words, a successful petition-gathering campaign for a charter amendment proposal is likely to require more volunteers than most Orange County political campaigns.

Likely, this means that any successful petition-gathering campaign will require paid canvassers. At the market rate of \$15 per hour per canvasser, the campaign would need about \$421,335 to just cover canvassing costs.<sup>6</sup> This is again without taking into account planning and organizing costs. In a best case scenario situation, a proposing party/group would implement a strategy that combines volunteers and paid canvassers. Yet, even in that case, the costs could still range in the hundreds of thousands of dollars, making it almost impossible for any true grassroots community groups to successfully propose a charter amendment.

As well, given the 7 percent petition threshold, those proposing citizen-initiated ordinance amendments face a similar situation. In fact, in order to gather 58,904 qualifying petitions, an ordinance amendment proposing party/group would need to spend about 19,635 hours door knocking,<sup>7</sup> requiring about 491 committed volunteers who spend at least 40 hours collecting petitions.<sup>8</sup> If instead of volunteers the proposing team/group utilizes paid canvassers, they are expected to spend about \$295,000 just to cover petition-gathering efforts.<sup>9</sup> Once again, the petition-gathering process appears too expensive for regular citizens and grassroots organizations to cost.

Thus, as currently established by the Orange County Charter, the citizen-initiated charter amendment process hinders true local citizen participation by making petition-gathering campaigns unnecessarily costly, which often leads to overrepresentation of issues backed by economically affluent groups and individuals as well as outside interest groups that include unaccountable Political Action Committees (PACS).

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<sup>4</sup> 84,268 petitions divided by 3 petitions per hour estimate = 28,089.3

<sup>5</sup> 28,089 hours of work divided by 40 hours per volunteer = 702.2

<sup>6</sup> \$15 per hour times 28,089 hours required to collect all petitions = \$421,335

<sup>7</sup> 58,904 petitions divided by 3 petitions per hour estimate = 19,634.7

<sup>8</sup> 19,635 hours of work divided by 40 hours per volunteer = 490.9

<sup>9</sup> \$15 per hour times 19,635 hours required to collect all petitions = \$294,525

## **Petition thresholds for citizen-initiated Home Rule Charter amendment proposals in other similarly populated<sup>10</sup> Florida counties**

- **Palm Beach County**:<sup>11</sup> **7 percent** of the number of voters eligible to vote in the last general election (Sec. 6.3).
- **Broward County**: **7 percent** of the number of voters eligible to vote in the last general election (Sec. 7.01D4).
- **Pinellas County**: **10 percent** of the number of voters eligible to vote in the last general election (Sec. 6.02).
- **Hillsborough County**: **8 percent** of the votes cast in each of [the county commission] districts and the county as a whole in the last preceding election in which a President or presidential elections were chosen (Sec. 8.03).
- **Jacksonville (Duval County)**:<sup>12</sup> **5 percent** of the total number of registered voters in the city at the time of the last preceding general consolidated government election for first petition on a given proposed reform.

Orange County's current 10 percent petition thresholds for citizen-initiated home rule charter amendments or repeals ranks higher than other similarly populated counties in the state of Florida. This is yet another reason to consider an evaluation of Section 601 of the Orange County Charter.

## **Concluding Thoughts and Call for Further Research**

This document has highlighted some of the inadequacies of Orange County's current high thresholds for citizen-initiated charter and ordinance amendments or repeals to make it to the ballot for voters to decide. This document is primarily designed to serve as an initial step toward the potential change of Section 601 of the Orange County Charter, establishing a call for the creation of a 2020 CRC sub-committee to study this important issue that directly impacts our local democratic process. Some of the potential topics for further research include an evaluation of past CRC discussions on amending Section 601 of the County's charter, listening to groups that have gone through the amendment petition process, and prompting the Supervisor of Elections office to study past failed and successful local petition campaigns for charter/ordinance amendments or repeals. Lastly, and most importantly, such a subcommittee should also evaluate different potential petition thresholds (i.e. requiring 6% vs. 10% of voters to sign charter/ordinance amendment petitions for it to go on the ballot).

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<sup>10</sup> Each of the presented counties has a total population that ranges from 800,000 to 1,400,000 inhabitants, compared to Orange County's estimated population of 1,400,000 people ([U.S. Census Bureau](#)).

<sup>11</sup> Click on hyperlinks to access each county's home rule charter document.

<sup>12</sup> The City of Jacksonville and Duval County merged in 1968, creating a single entity governing of all Duval County ([City of Jacksonville](#), 2019).

## 2020 Orange County Charter Review Commission (CRC)

### Subcommittee Proposal on the Citizen-Initiated Charter and Ordinance Amendment Process (Orange County Charter, Sec. 601)

Presented by Member Samuel Vilchez Santiago on May 31, 2019

#### Executive Summary

This document details CRC member Samuel Vilchez Santiago's proposal to establish a CRC subcommittee that evaluates (1) lowering the petition threshold for citizen-initiated Charter amendments and repeals from 10 percent of all registered voters per county district and (2) lowering the petition threshold for citizen-initiated Ordinance amendments, enactments and repeals from 7 percent of all registered voters per county district. Specifically, this proposal seeks the creation of a CRC subcommittee to study Section 601 of the Orange County Charter. In addition, this document specifies some of the reasoning behind this proposal, including the total number of registered voters per county district and the number of necessary signed petitions under the current and proposed language. It also includes a description of how difficult it is to place a charter/ordinance amendment-related ballot question through the citizen-initiated process, detailing potential costs and hours of work based on estimates. Finally, this document presents a brief summary of citizen-initiated charter and ordinance amendment processes in other similarly populated Florida counties, demonstrating Orange County's current petition threshold to be significantly higher than its counterparts.

#### Orange County Charter, Section 601

"Article VI - Initiative, Referendum and Recall

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 **ten (10) percent** of the county electors in 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.2.
- B. *Ordinance*. A petition seeking to enact or repeal an ordinance shall be signed by **seven (7) percent** of the county electors in each commission district as of January 1 of the year in which petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3

(Amended November 1988; Amended November 2016<sup>1</sup>).”

### **Practical Meaning of Orange County Charter Section 601**

#### **a. Number of needed petitions per county district:**

For voters to initiate a successful Charter or Ordinance amendment or repeal, they would have to collect the following amount of qualifying petitions from voters in each county commission<sup>2</sup>:

<b>County Commission District</b>	<b>Total number of registered voters<sup>3</sup></b>	<b>Petitions needed to propose a Charter amendment or repeal</b>	<b>Petitions needed to propose an Ordinance amendment, enactment or repeal</b>
		<b>Total number of petitions needed under <b>current 10% threshold</b></b>	<b>Total number of petitions needed under <b>current 7% threshold</b></b>
<b>District 1</b>	154,010	15,401	10,781
<b>District 2</b>	129,309	12,931	9,052
<b>District 3</b>	140,392	14,040	9,828
<b>District 4</b>	152,863	15,287	10,701
<b>District 5</b>	148,354	14,836	10,385
<b>District 6</b>	100,769	10,077	7,054
<b>County Total</b>	<b>825,697</b>	<b>82,572</b>	<b>57,801</b>

#### **b. Calculating the potential costs of citizen-initiated charter or ordinance amendment proposals:**

[According to the National Democratic Training Committee](#), a volunteer should be expected to knock on about 20 doors per hour, with an average 25% success rate. This means that a volunteer door-knocker is expected to talk to about 5 voters per hour. If we project a 60% success rate on petition gathering - a very optimistic projection for any campaign - then a volunteer is likely to obtain 3 signed qualifying petitions in one hour.

That means that in order to reach the 82,572 petitions to place a citizen-initiated charter amendment question on the ballot, the proposing party/team would need about 27,254

<sup>1</sup> Information highlighted in yellow represents what was amended on November 2016. For more information, please review the Orange County 2016 Charter Review Commission Final Report, pages 13 and 14.

<sup>2</sup> Based on [official voter registration numbers from the Orange County Supervisor of elections](#) as of May 1, 2019.

<sup>3</sup> As of May 1, 2019.

hours of work<sup>4</sup> without taking into account hours needed for planning and organizing purposes.

Let's now suppose that each volunteer gives 40 hours of their time to the petition gathering cause - another goal that most political operatives would probably deem as hard to achieve. If that's the case, the proposing party/team would need about 685 committed volunteers to gather enough petitions to place a charter amendment question on the ballot.<sup>5</sup> In other words, a successful petition gathering campaign for a charter amendment proposal is likely to require more volunteers than any Orange County political campaign in history.

Likely, this means that any successful petition gathering campaign will require paid canvassers. At the market rate of \$15 per hour per canvasser, the campaign would need about \$409,000 just to cover canvassing costs.<sup>6</sup> This is again without taking into account planning and organizing costs. In a best case scenario situation, a proposing party/team would implement a strategy that combines volunteers and paid canvassers, lower campaign costs. Yet, even in that case, the costs would still range in the hundreds of thousands of dollars.

As well, given the 7 percent petition threshold, those proposing citizen-initiated ordinance amendments face a similar situation. In fact, in order to gather 57,801 qualifying petitions, an ordinance amendment proposing party/team would need to spend about 19,267 hours door knocking,<sup>7</sup> requiring about 485 committed volunteers who spend at least 40 hours collecting petitions.<sup>8</sup> If instead of volunteers the proposing team/party utilizes paid canvassers, they are expected to spend about \$290,000 just to cover petition gathering efforts.<sup>9</sup> Once again, the petition gathering process appears too expensive for regular citizens to cost.

Thus, as currently established by the Orange County Charter, the citizen-initiated charter amendment process hinders true local citizen participation by making petition gathering campaigns costly, which often leads to overrepresentation of issues backed by economically affluent groups and individuals as well as outside interest groups that include unaccountable Political Action Committees (PACS).

### **Petition thresholds for citizen-initiated Home Rule Charter amendment proposals in other similarly populated<sup>10</sup> Florida counties**

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<sup>4</sup> 82,572 petitions divided by 3 petitions per hour estimate = 27,524

<sup>5</sup> 27,254 hours of work divided by 40 hours per volunteer = 681.35

<sup>6</sup> \$15 per hour times 27,254 hours required to collect all petitions = \$408,810

<sup>7</sup> 57,801 petitions divided by 3 petitions per hour estimate = 19,267

<sup>8</sup> 19,267 hours of work divided by 40 hours per volunteer = 481.68

<sup>9</sup> \$15 per hour times 19,267 hours required to collect all petitions = \$289,005

<sup>10</sup> Each of the presented counties has a total population that ranges from 800,000 to 1,400,000 inhabitants, compared to Orange County's estimated population of 1,400,000 people ([U.S. Census Bureau](https://www.census.gov)).



- **Palm Beach County**:<sup>11</sup> **7 percent** of the number of voters eligible to vote in the last general election (Sec. 6.3).
- **Broward County**: **7 percent** of the number of voters eligible to vote in the last general election (Sec. 7.01D4).
- **Pinellas County**: **10 percent** of the number of voters eligible to vote in the last general election (Sec. 6.02).
- **Hillsborough County**: **8 percent** of the votes cast in each of [the county commission] districts and the county as a whole in the last preceding election in which a President or presidential elections were chosen (Sec. 8.03).
- **Jacksonville (Duval County)**:<sup>12</sup> **5 percent** of the total number of registered voters in the city at the time of the last preceding general consolidated government election for first petition on a given proposed reform.

Orange County's current 10 percent petition thresholds for citizen-initiated home rule charter amendments or repeals ranks higher than other similarly populated counties in the state of Florida. This is yet another reason to consider an evaluation of Section 601 of the Orange County Charter.

### **Concluding Thoughts and Call for Further Research**

This document has highlighted some of the inadequacies of Orange County's current high thresholds for citizen-initiated charter and ordinance amendments or repeals to make it to the ballot for voters to decide. This document is primarily designed to serve as an initial step toward the potential change of Section 601 of the Orange County Charter, establishing a call for the creation of a 2020 CRC sub-committee to study this important issue that directly impacts our local democratic process. Some of the potential topics for further research include an evaluation of past CRC discussions on amending Section 601 of the County's charter, listening to groups that have gone through the amendment petition process, and prompting the Supervisor of Elections office to study past failed and successful local petition campaigns for charter/ordinance amendments or repeals. Lastly, and most importantly, such a subcommittee should also evaluate different potential petition thresholds (i.e. requiring 6% vs. 10% of voters to sign charter/ordinance amendment petitions for it to go on the ballot).

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<sup>11</sup> Click on hyperlinks to access each county's home rule charter document.

<sup>12</sup> The City of Jacksonville and Duval County merged in 1968, creating a single entity governing of all Duval County ([City of Jacksonville](#), 2019).



November 6, 2019

2020 Orange County Charter Review Commission

Dear Chairman Evans and Members of the Charter Review Commission:

The Co-Presidents of the League of Women Voters of Orange County (LWVOC) cannot attend tonight's Charter Review Commission (CRC). Please accept and read into the record this letter in lieu of our personal appearance.

The League supports the citizen initiative process as a means to amend the Orange County Charter. The Citizen Initiative amendment approved in 2016 is too restrictive. Therefore,

1. We feel strongly that the citizen initiative proposal put forth by CRC Member Vilchez-Santiago deserves further consideration and study, despite the memo sent to you by your General Counsel Cliff Sheppard.
2. We believe that a committee to consider citizen initiative proposals and their important role in our Orange County Charter should be created.
3. As the individual who has worked most in depth on this issue, we urge the CRC to appoint Member Vilchez Santiago to this committee and serve as the chair.

Thank you for accepting this letter in lieu of our personal appearance and commentary.

Sincerely yours,

*Gloria Pickar*

Dr. Gloria Pickar, Co-President

*Sandi Vidal*

Sandi Vidal, Co-President

# MEMORANDUM

**To:** 2020 Charter Review Commission (CRC)

**From:** M. Soraya Smith, Chair, Citizen Initiated Charter and Ordinance Amendment Process Committee

**Re:** Approval for Extended Topic Review

**Date:** January 24, 2020

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## ORIGINAL OBJECTIVE

Evaluate citizen-initiated charter amendments & repeals to lower the petition threshold (currently 10%)  
Evaluate citizen-initiated amendments, enactments, and repeals to lower the petition threshold (currently 7%)

## BACKGROUND

Members of the CRC Committee on Citizen Initiated Charter and Ordinance Amendment Process convened on January 8, 2020, 4:00 p.m., to further discuss findings from a variety of resources surrounding the study of lowering the petition threshold for citizen-initiated Charter and Ordinance amendments, enactments and repeals. Following the review of submitted data, historical documents (Supervisor of Elections, League of Women voters) proposal summary review from member Vilchez Santiago, CRC Legal Counsel, and public comment, the committee has moved to not make any changes to the existing threshold percentages outlined in the current Citizen Initiated Charter and Ordinance Amendment Process.

The provided historical documents, legal summaries, data, and citizen input did subsequently highlight the limiting components of the currently outlined 180-day processes/timeline in Orange County Charter (Article VI Section 601) available for Orange County citizens. Therefore, the Citizen Initiated Charter and Ordinance Amendment Process Committee moves to continue its work to ensure this process in no way limits citizens from successfully carrying out a citizen-initiated charter or ordinance amendment petition including tolling considerations given the multiple county departments required to move forward in this petition process (Supervisor of Elections, County Board of Commissioners, Comptroller's Office and the appointed Legal Review Panel).

## ACTION REQUESTED

The Citizen Initiated Charter and Ordinance Amendment Process Committee of the 2020 CRC requests authority from the full CRC to look at all aspects of the 180-day timeline limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative petition.

For your quick reference, I have attached a copy of the Petition Timeline as provided by the Supervisor of Elections Office-Bill Cowles on December 2, 2019, extracted from Attachment H page 6.

/Attachment

**Petition** \_\_\_\_\_

**Ballot Title** \_\_\_\_\_

**Sponsoring Political Committee** \_\_\_\_\_

**Petition Timeline-**

**Initiative petition** sponsors must register as a PAC and, prior to obtaining any signatures, shall submit the text of the proposed petition to the SOE, with the form on which signatures will be affixed, and shall obtain the approval of the SOE of such form. **Text Submittal Date-** \_\_\_\_\_

SOE shall make a determination regarding the approval of the form within fifteen days. **SOE Approval Date-** \_\_\_\_\_

The date of approval by the SOE marks the beginning of the 180 day time frame for the petition drive, after which the petition drive shall terminate. **180 Day Termination Date-** \_\_\_\_\_

If sufficient signatures are submitted, the SOE shall within thirty days thereafter verify the signatures therein and submit a written report to the board. **SOE Written Report Submittal Date-** \_\_\_\_\_

The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the SOE for signature no later than the fifth day of the following month. The SOE shall verify the validity of signatures for each signed petition within thirty days after submittal.

Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification. **SOE Board Notification Date-** \_\_\_\_\_ **Board Decision Date-** \_\_\_\_\_

After notification by the SOE regarding the 1% threshold, the comptroller shall, within twenty days after notification, prepare and transmit a financial impact statement. The sponsor of the petition shall then submit a revised petition form containing the financial impact statement to the SOE. The SOE shall, within fifteen days after submittal of the revised petition containing the financial impact statement, render a determination.

**Comptroller Financial Impact Statement Date-** \_\_\_\_\_ **SOE Revision Determination Date-** \_\_\_\_\_

Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition. **Public Hearing Date-** \_\_\_\_\_

**Referendum**

**Charter-** After the requisite number of signatures have been verified by the SOE, a referendum shall be held on the question of adoption of the proposed petition at the next primary, or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.

**Ordinance-** Within thirty (30) days of the requisite number of signatures have been verified by the SOE, the board shall notice a public hearing on the proposed petition and vote on it. If the board fails to adopt the proposed petition, the board shall notify the SOE a referendum shall be held on the adoption of the proposed petition at the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.



## 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

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**April 22, 2020**

### **Committee Recommendation**

#### **Permanent Funding of Green PLACE Committee**

Committee Members:

Camille Evans, Chair  
Angela Melvin  
Soraya Smith  
Lee Steinhauer  
Eugene Stoccardo

### **Summary of Recommendation**

On January 9, 2020, Member Eugene Stoccardo proposed a charter amendment establishing permanent funding for the annual purchase of environmentally sensitive lands in the amount of \$7,500,000.00 as an evaluation topic for the 2020 Orange County Charter Review Commission (the "CRC"). On February 5, 2020, the CRC voted to establish Permanent Funding for Green PLACE as an evaluation topic and established the subcommittee to evaluate the topic. Beginning on February 17, 2020, the Permanent Funding for Green PLACE Committee (the "Committee") held three public meetings to hear public input and consider the proposal. The Committee reviewed the proposed ballot title, summary and text amendment offered by Member Stoccardo and memorandums from the General Counsel regarding the legality of the core functions of the proposal. The Committee also heard from invited guests, including the Orange County Manager of the Office of Management and Budget, Kurt Petersen, regarding the 10 year history of expenditures from Orange County's Public Service Tax Bonds Fund, and Orange County's Environmental Program Supervisor, Beth Jackson, who provided the history of the County's environmentally sensitive land acquisitions since the mid-1990's.

After careful consideration of the information presented, the Committee voted 4-0, with one member absent, to recommend to the full CRC that no amendment to the Orange County Charter be made with respect to the Committee's evaluation topic. However, the Committee also recommends that the final CRC report forwarded to the Orange County Board of County Commissioners (the "BCC") recommends that the County actively use the

mechanisms and funding currently in place for the purchase of environmentally sensitive lands and that the County re-establish the ad-hoc committee for Green PLACE to encourage community input on identifying lands and acquisition strategies.

### **Reasons for Recommendation**

#### **1. Charter Amendment Mandating Budget Expenditures Preempted by State Law.**

While the goal of spending \$7,500,000.00 per year for the acquisition of environmentally sensitive lands may be laudable, a mandatory charter amendment requiring the County to annually budget and spend said funds for the acquisition of environmentally sensitive lands is almost certainly preempted by Florida law, which prohibits local laws from interfering with county commissioners' discretion over the budget and millage rates. This is in contrast to a State of Florida Constitution Amendment approved by referendum because the Florida Constitution is the supreme law of the state and is only preempted by the United States Constitution and/or superior federal laws. Accordingly, the proposal would likely be unenforceable and voidable if approved by the voters.

#### **2. The County Has the Ability to Spend \$7,500,000.00 to Annually Acquire Environmentally Sensitive Lands Under Current Funding Mechanisms.**

Under Section 17-243 of the Orange County Code, the County currently is required to spend 25% of the Public Service Taxes collected annually to acquire, operate and maintain parks, environmentally sensitive lands and recreational facilities. While the \$7,500,000.00 in said taxes have recently been spent to maintain and operate public parks, those funds are available and authorized to purchase environmentally sensitive lands. Thus, the Committee recommends that the CRC recommend and encourage the BCC to utilize said funds, or a portion thereof, annually to acquire environmentally sensitive lands.

### **Argument Against Recommendation**

#### **1. Without a Charter Mandate, There is No Guarantee Environmentally Sensitive Lands Will Be Acquired.**

A recommendation or encouragement from the CRC will be non-binding on the BCC. Accordingly, there is no guarantee that the County will spend \$7,500,000.00, or some portion thereof, annually to acquire environmentally sensitive lands.

### **Committee Recommendation**

Chair Evans made a motion, which was seconded by Member Stoccardo, to: (1) recommend no proposed charter amendment be placed on the ballot; and (2) the full CRC issue a report advising and recommending that the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and to reestablish the County's ad-hoc committee for Green PLACE to receive public input on identifying environmentally sensitive lands and acquisition strategies. The motion carried 4 to 0.

Accordingly, having carefully considered the proposals, memorandums and information received from invited guests, as well as public input, and otherwise being fully advised in the premises, **the Committee recommends that no amendments to the Orange County Charter be made with respect to Permanent Funding for Green PLACE and that the CRC's final report recommends the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad-hoc committee for Green PLACE.**