



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

04-15-14 P12:36 IN

201 South Rosalind Avenue ■ 3rd Floor  
Reply To: Post Office Box 1393  
Orlando, FL 32802-1393  
407-836-7320 ■ Fax 407-836-5888  
<http://www.ocfl.net>

04-15-14 P12:33 IN

**MEMORANDUM**

*Deputy County Attorney*

Joel D. Prinsell

*Senior Assistant County Attorneys*

Lila McHenry  
Edward M. Chew

*Assistant County Attorneys*

Roberta Alfonso  
Linda Brehmer Lanosa  
Henry Brown  
Anthony Cotter  
Dana Crosby-Collier  
P. Andrea DeLoach  
Whitney E. Evers  
Kathleen Furey-Tran  
Wanzo Galloway, Jr.  
Georgiana Holmes  
Peter A. Lichtman  
Scott Shevenell  
William Turner

*Legal Administrative Supervisor*

Anna M. Caban

*Paralegals*

Kimberly Cundiff  
Cathy Saravanja, CP  
Maria Vargas, ACP

DATE: April 15, 2014

TO: Katie Smith, Deputy Clerk, Manager  
Comptroller Clerk's Office

THRU: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development Office, BCC

FROM: Lila I. McHenry, Senior Assistant County Attorney  
Katherine Latorre, Assistant County Attorney

CONTACT: 407-836-9651 - [Katherine.latorre@ocfl.net](mailto:Katherine.latorre@ocfl.net)

RE: Request for Public Hearing (1) - May 6, 2014 at 2:00 p.m. – Ordinance Proposing an Amendment to Sections 202, 203 and 204 of the Orange County Charter (Increasing Number of Commission Districts) and Calling for a Referendum on the Proposed Amendment

TITLE OF  
ORDINANCE:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO INCREASE THE NUMBER OF COUNTY COMMISSION DISTRICTS AND COUNTY COMMISSIONERS FROM SIX TO EIGHT; PROVIDE FOR THE APPOINTMENT OF A REDISTRICTING ADVISORY COMMITTEE TO PREPARE A REDISTRICTING PROPOSAL; REQUIRE THE COUNTY COMMISSION TO ADOPT A REDISTRICTING PLAN FOR THE EIGHT COMMISSION DISTRICTS BY MARCH 1, 2015; PROVIDE FOR AN ABBREVIATED INITIAL TERM FOR NEWLY CREATED COMMISSION OFFICES; PROVIDE FOR A SPECIAL ELECTION TO FILL THE TWO NEW COMMISSION DISTRICTS TO BE HELD NO LATER THAN AUGUST 31, 2015; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THAT THE REFERENDUM BE HELD AT THE COUNTYWIDE ELECTION ON AUGUST 26, 2014; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM;

05/06/14  
at 2pm

Memo to Comptroller Clerk  
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PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

Applicant: Orange County Attorney's Office

Location: Board of County Commissioners Chambers

Estimated time required for public hearing: 2 minutes

Hearing controversial? Probably

Advertising requirements: Publish in the legal classified section of a local newspaper of general circulation.

Advertising time frames: 1 day, 10 days prior to first hearing

Applicant/Abutters to be notified: No

Hearing required by Fla. Statute # or code: Florida Statutes, Section 125.66

Spanish Contact Person: Para mas informacion con respecto a esta audiencia publica, favor comunicarse con la oficina de abogados del condado orange, 407-836-7320.

The following materials will be submitted as backup for this public hearing request:

1. Ordinance
2. Memo to the Mayor and Board of County Commissioners

**INSTRUCTIONS TO CLERK :**

Please return one executed copy of the Ordinance to Katherine Latorre.

DRAFT  
04/11/2014

ORDINANCE NO. 2014-\_\_

AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO INCREASE THE NUMBER OF COUNTY COMMISSION DISTRICTS AND COUNTY COMMISSIONERS FROM SIX TO EIGHT; PROVIDE FOR THE APPOINTMENT OF A REDISTRICTING ADVISORY COMMITTEE TO PREPARE A REDISTRICTING PROPOSAL; REQUIRE THE COUNTY COMMISSION TO ADOPT A REDISTRICTING PLAN FOR THE EIGHT COMMISSION DISTRICTS BY MARCH 1, 2015; PROVIDE FOR AN ABBREVIATED INITIAL TERM FOR NEWLY CREATED COMMISSION OFFICES; PROVIDE FOR A SPECIAL ELECTION TO FILL THE TWO NEW COMMISSION DISTRICTS TO BE HELD NO LATER THAN AUGUST 31, 2015; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THAT THE REFERENDUM BE HELD AT THE COUNTYWIDE ELECTION ON AUGUST 26, 2014; 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.* Sections 202, 203, and 204 of the Orange County Charter are amended to read as follows:

40           **Sec. 202. Commission districts.**

42           A. Prior to the adoption of the redistricting plan  
44           referenced in Section 202(B) of the Charter, there~~There~~ shall be six  
46           commission districts of contiguous territory as nearly equal in  
48           population as practicable. The districts shall be reconsidered after  
              each decennial census and adjusted by the board after one or more  
              public hearings.

50           B. In September 2014, the Board shall appoint a  
52           Redistricting Advisory Committee composed of fifteen residents of  
54           the County, with each Commissioner selecting two individuals,  
56           and the Mayor selecting three individuals, to serve on the  
58           Committee. The Committee shall submit to the Board by March 1,  
60           2015, a proposal for redistricting the County into eight  
62           Commission districts of contiguous territory as nearly equal in  
64           population as practicable. The Board shall then adopt a  
66           redistricting plan no later than May 1, 2015. The redistricting plan  
              shall designate six of the eight commission districts as successor  
              districts to the prior six commission districts and shall provide for  
              abbreviated initial terms for the newly created commission offices.  
              The Board shall, by resolution, call a special election to fill the  
              vacancies in the two commission districts not designated successor  
              districts, with such special election to be held no later than August  
              31, 2015. Commissioners in office upon the adoption of the  
              redistricting plan shall continue in office until the normal  
              expiration of their terms.

68           C. Subsequent to the adoption of the redistricting plan  
70           referenced in Section 202(B) of the Charter, there shall be eight  
72           commission districts of contiguous territory as nearly equal in  
74           population as practicable. These districts shall be reconsidered  
              after each decennial census and adjusted by the Board after one or  
              more public hearings.

76           **Sec. 203. Structure of board.**

78           A. Prior to the adoption of the redistricting plan  
80           referenced in Section 202(B) of the Charter, the~~The~~ number of  
82           commissioners shall be six, with each member elected from single  
              member districts and a county mayor elected county-wide. Each  
              commissioner shall be a registered voter of and resident of the  
              particular district he or she represents at the time of election to  
              office and throughout the term of office.

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B. Subsequent to the adoption of the redistricting plan referenced in Section 202(B) of the Charter, the number of commissioners shall be eight with each member elected from single-member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.

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**Sec. 204. Terms of county commissioners.**

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A. Commissioners shall be elected for terms of four years. Elections shall be staggered so that ~~three~~ half of the total number of commissioners will be elected every two years. The terms of office for the commissioners shall commence either on the second Tuesday following the general election or, if not inconsistent with general law, on such later date as set by ordinance, but in no case later than the first Tuesday after the first Monday in January following the general election.

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B. A county commissioner who has held the same commission district office for the preceding two full terms is prohibited from appearing on the ballot for re-election to that office.

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C. The commissioners for the commission districts designated to have initial abbreviated terms in the redistricting plan pursuant to Section 202(B) of the Charter shall be elected for initial terms which shall not constitute a full term for the purposes of term limits imposed pursuant to Section 204(B) of the Charter.

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**Section 2. Referendum Called.** Pursuant to its authority and duty under Article VII

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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 countywide

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election to be held on August 26, 2014. The ballot title and ballot summary for the referendum shall be as follows:

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**COUNTY CHARTER AMENDMENT INCREASING  
NUMBER OF COUNTY COMMISSION DISTRICTS FROM  
SIX TO EIGHT**

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122 Shall the Orange County Charter be amended to increase the number of county  
124 commission districts and commissioners from six to eight, require the county  
126 commission to adopt a redistricting plan for the eight commission districts by  
May 1, 2015, and provide for an election to fill the vacancies in the two new  
commission districts, to be held no later than August 31, 2015?

128 \_\_\_\_\_ Yes  
130 \_\_\_\_\_ No

**Section 3. Severability.** If any section, subsection, sentence, clause, or provision of  
132 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  
134 this end the provisions of this ordinance are declared severable.

**Section 4. Effective Date.** This ordinance shall take effect upon its enactment.  
136 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  
138 Section 2.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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

146 By: \_\_\_\_\_  
148 Teresa Jacobs  
County Mayor

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

154 By: \_\_\_\_\_  
156 Deputy Clerk