



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

04-15-14 P12:35 IN

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<http://www.ocfl.net>

04-15-14 P12:33 IN

MEMORANDUM

DATE: April 15, 2014

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

THRU: Cheryl Gillespie, Agenda Development Supervisor *sto*
Agenda Development Office, BCC *for*

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

CONTACT: 407-836-9651 - Katherine.latorre@ocfl.net

RE: Request for Public Hearing (2) - May 6, 2014 at 2:00 p.m.– Ordinance Proposing An Amendment to Section 703 of the Orange County Charter (Term Limits and Non-Partisan Elections) 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 PROVIDE FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS, AND TO PROVIDE CLARIFICATION THAT THE ESTABLISHMENT OF NON-PARTISAN ELECTIONS AND TERM LIMITS FOR COUNTY CONSTITUTIONAL OFFICERS SHALL NOT AFFECT OR IMPUGN THEIR INDEPENDENT CONSTITUTIONAL STATUS; 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 REERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

05/06/14
2:22pm

Memo to Comptroller Clerk
Page Two
April 15, 2014

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.

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ORDINANCE NO. 2014-___

AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO PROVIDE FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS, AND TO PROVIDE CLARIFICATION THAT THE ESTABLISHMENT OF NON-PARTISAN ELECTIONS AND TERM LIMITS FOR COUNTY CONSTITUTIONAL OFFICERS SHALL NOT AFFECT OR IMPUGN THEIR INDEPENDENT CONSTITUTIONAL STATUS; 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 REERENDUM; 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 703 of the Orange County Charter is amended to read as follows:

Sec. 703. County officers.

A. The charter offices of property appraiser, tax collector and sheriff formerly created by this section 703 are abolished. The functions and duties of each of these respective charter offices are transferred to the property appraiser, tax collector, and sheriff, as county officers under Article VIII, Section 1(d) of the Florida Constitution and each of these offices is hereby reestablished under Article VIII, Section 1(d) of the Constitution of the State of Florida.

42 This subsection A. shall take effect on January 8, 1997. The
43 holders of the former charter offices of property appraiser, tax
44 collector and sheriff as of the effective date shall be retained and
45 shall constitute the initial county officers serving as property
46 appraiser, tax collector and sheriff, as those offices are
reestablished under Article VIII, Section 1(d) of the Constitution of
the State of Florida.

48 B. Except as may be specifically set forth in the
49 Charter, the county officers referenced under Article VIII, Section
50 1(d) of the Florida Constitution and Chapter 72-461, Laws of
51 Florida, shall not be governed by the Charter but instead governed
52 by the Constitution and laws of the State of Florida. The
53 establishment of non-partisan elections and term limits for county
54 constitutional officers shall in no way affect or impugn their status
55 as independent constitutional officers, and shall in no way imply
56 any authority by the board whatsoever over such independent
constitutional officers.

58 C. Elections for all county constitutional officers shall
59 be non-partisan. No county constitutional officer candidate shall
60 be required to pay any party assessment or be required to state the
61 party of which the candidate is a member. All county
62 constitutional officer candidates' names shall be placed on the
ballot without reference to political party affiliation.

64 In the event that more than two (2) candidates have
65 qualified for any single county constitutional officer office, an
66 election shall be held at the time of the first primary election and,
67 providing no candidate receives a majority of the votes cast, the
68 two (2) candidates receiving the most votes shall be placed on the
ballot for the general election.

70 D. Any county constitutional officer who has held the
71 same county constitutional office for the preceding two (2) full
72 terms is prohibited from appearing on the ballot for re-election to
73 that office; provided, however, that the terms of office beginning
74 before January 1, 2015, shall not be counted.

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

76 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
78 election to be held on August 26, 2014. The ballot title and ballot summary for the referendum
shall be as follows:

80 **COUNTY CHARTER AMENDMENT PROVIDING FOR**
82 **TERM LIMITS AND NON-PARTISAN ELECTIONS FOR**
 ALL COUNTY CONSTITUTIONAL OFFICERS

84 Shall the Orange County Charter be amended to provide that all county
constitutional officers shall be elected on a non-partisan basis, and that they shall
86 be subject to term limits of two 4-year terms?

88 _____ Yes

 _____ No

90 *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
92 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.

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