



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

04-15-14 P12:37 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 P12:53 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  
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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  
RE: Request for Public Hearing (3) - May 6, 2014 at 2:00 p.m.– Ordinance Proposing an Amendment to Section 703 of the Orange County Charter (Term Limits) 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 FOR COUNTY CONSTITUTIONAL OFFICERS, AND TO PROVIDE CLARIFICATION THAT THE ESTABLISHMENT OF 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 REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATES.

Applicant: Orange County Attorney's Office

05/06/14  
2:22 pm

Memo to Comptroller Clerk  
Page Two  
April 15, 2014

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 PROVIDE FOR TERM LIMITS FOR COUNTY CONSTITUTIONAL OFFICERS, AND TO PROVIDE CLARIFICATION THAT THE ESTABLISHMENT OF 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 REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; 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.

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

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

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C. Any county constitutional officer who has held the same county constitutional office for the preceding two (2) full terms is prohibited from appearing on the ballot for reelection to that office; provided, however, that the terms of office beginning before January 1, 2015, shall not be counted.

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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 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 LIMITING  
POLITICAL TERMS OF OFFICE FOR COUNTY  
CONSTITUTIONAL OFFICERS**

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Shall the Orange County Charter be amended to limit the county constitutional offices of the Orange County Supervisor of Elections, Property Appraiser, Tax

74 Collector, Sheriff, Comptroller, and Clerk of the Circuit Court to two (2)  
76 consecutive full terms of office; provided, however, that any term of office  
beginning before January 1, 2015 shall not be counted toward this limitation?

78 \_\_\_\_\_ Yes  
\_\_\_\_\_ No

80 **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  
82 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.

84 **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  
86 when approved by a majority of the electors voting in the referendum called by the Board in  
Section 2.

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

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

94 By: \_\_\_\_\_  
96 Teresa Jacobs  
County Mayor

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

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102 By: \_\_\_\_\_  
Deputy Clerk

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