



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
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407-836-7320 ■ Fax 407-836-5888
<http://www.ocfl.net>

04-15-14 P12:33 II

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
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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 *CD*
Agenda Development Office, BCC *SR*

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

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

RE: Request for Public Hearing (4) - May 6, 2014 at 2:00 p.m.– Ordinance Proposing an Amendment to Section 703 of the Orange County Charter (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 NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS; PROVIDING CLARIFICATION THAT THE ESTABLISHMENT OF NON-PARTISAN ELECTIONS 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.

05/06/14
2:2 pm

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-__

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AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO PROVIDE FOR NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS; PROVIDING CLARIFICATION THAT THE ESTABLISHMENT OF NON-PARTISAN ELECTIONS 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.

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

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Section 1. Charter Amendment. Section 703 of the Orange County Charter is amended to read as follows:

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Sec. 703. County officers.

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

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

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98 ADOPTED THIS _____ DAY OF _____, 2014.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____

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Teresa Jacobs
County Mayor

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

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By: _____
Deputy Clerk

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