



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 P12:33 IN

**MEMORANDUM**

*Deputy County Attorney*  
Joel D. Prinsell

*Senior Assistant County Attorneys*  
Lila McHenry  
Edward M. Chew

*Assistant County Attorneys*  
Roberta Alfonso  
Linda Brehner Lanosa  
Henry Brown  
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Dana Crosby-Collier  
P. Andrea DeLoach  
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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 *JD JOC*

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

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

**RE:** Request for Public Hearing (5) - May 6, 2014 at 2:00 p.m.– Ordinance Proposing an Amendment to Sections 601, 602 and 603 of the Orange County Charter (Initiative Petitions) 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 REVISE REQUIREMENTS AND LIMITATIONS AND PROVIDE FOR PROCEDURAL SAFEGUARDS RELATING TO CERTAIN CHARTER AMENDMENTS AND ORDINANCES BY INITIATIVE; 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.

**Applicant:** Orange County Attorney's Office

**Location:** Board of County Commissioners Chambers

05/06/14  
@ 2pm

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 REVISE REQUIREMENTS AND LIMITATIONS AND PROVIDE FOR PROCEDURAL SAFEGUARDS RELATING TO CERTAIN CHARTER AMENDMENTS AND ORDINANCES BY INITIATIVE; 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 601, 602, and 603 of the Orange County

Charter are amended to read as follows:

**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 fifteen (15)~~ten (10)~~ percent of the county electors in ~~each 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 ten (10)~~seven (7)~~ percent of

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42 the county electors in each commission district as of January 1 of  
the year in which petition is initiated.

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

46 The sponsor of an initiative petition shall, prior to  
obtaining any signatures, submit the text of the proposed petition  
48 to the supervisor of elections, with the form on which signatures  
will be affixed, and shall obtain the approval of the supervisor of  
50 elections of such form. The style and requirements of such form  
may be specified by ordinance. The beginning date of any petition  
52 drive shall commence upon the date of approval by the supervisor  
of elections of the form on which signatures will be affixed, and  
54 said drive shall terminate ninety (90)~~one hundred eighty (180)~~ days  
after that date. In the event sufficient signatures are not acquired  
56 during that ninety-day~~one hundred eighty-day~~ period, the petition  
drive shall be rendered null and void and none of the signatures  
58 may be carried over onto another identical or similar petition. If  
sufficient signatures are obtained, the sponsor shall submit signed  
60 and dated forms to the supervisor of elections who shall within  
thirty (30) days verify the signatures thereon and submit a written  
62 report to the board.

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

76 B. Ordinance. Within thirty (30) days after the  
requisite number of names have been verified by the supervisor of  
78 elections and reported to the board, the board shall notice and hold  
a public hearing on the proposed petition according to law and vote  
80 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  
82 proposed petition to be held at the next primary, general or special  
election occurring at least one hundred fifty (150)~~forty-five (45)~~  
84 days after the adoption of such resolution. If the question of the  
adoption of the proposed petition is approved by a majority of  
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88 those registered electors voting on the question, the proposed  
petition shall be declared by resolution of the board to be enacted  
90 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  
92 shall not amend or repeal an ordinance adopted by initiative for a  
period of one (1) year after the effective date of such ordinance.

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

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98 **Sec. 603. Limitation.**

100 A. The power to enact, amend or repeal an ordinance  
by initiative shall not include ordinances relating to administrative  
102 or judicial functions of county government, including but not  
limited to, county budget, debt obligations, capital improvement  
104 programs, salaries of county officers and employees and the levy  
and collection of taxes.

106 B. The power to amend this charter by initiative, or to  
enact, amend or repeal an ordinance by initiative, shall not extend  
108 to the regulation of employer wages, benefits or hours of work, the  
encumbrance or allocation of tax revenues for any purpose not then  
110 authorized by law, the encumbrance or allocation of tax revenues  
conditioned upon a prospective change in Florida law, or the  
112 abbreviation of the term of any office during the term of that  
office, or within one year prior to the election for that office.

114 C. Notwithstanding any other provision of this charter,  
116 the board is prohibited from calling a referendum on the question  
of the adoption of any proposed charter amendment or ordinance  
118 by initiative which, in the determination of the board, is wholly or  
partially violative of the limitations of this section or Florida law,  
120 and the calling of any referendum previously called on such a  
proposed charter amendment is hereby rescinded and rendered  
122 null, void, and of no force or effect.

124 D. Notwithstanding any other provision of this charter,  
the board is prohibited from declaring enacted any ordinance by  
126 initiative which, in the determination of the board, is wholly or  
partially violative of the limitations of this section or Florida law.



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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: \_\_\_\_\_

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Deputy Clerk

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