



OFFICE OF THE COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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April 9, 2020

To: Orange County Charter Review Commission

From: Phil Diamond, CPA, Orange County Comptroller **PAD**

Subject: Financial Analysis of the Rights of the Wekiva River and Econlockhatchee River Committee's proposed Charter Amendment

As requested, attached you will find our office's analysis and financial impact statement related to the Rights of the Wekiva River and Econlockhatchee River Committee's proposed Charter Amendment.

Should you have any questions or need additional information, please contact my office.

Rights of the Wekiva River and Econlockhatchee River Committee

Ballot Summary

Orange County Comptroller's Office Financial Impact: Indeterminate Fiscal Impact.

Financial Analysis and Impact

1. Estimated increase or decrease in revenues to Orange County or local government agencies:

This proposed Charter amendment has no direct fiscal impact on Orange County or other local government revenues.

2. Expenditures:

This proposed Charter amendment may have an indeterminate negative fiscal impact on Orange County and local governments by:

- a. Causing Orange County to incur litigation costs to defend the amendment's enforceability, and
- b. Causing Orange County or other local governments to incur litigation costs if they were sued in any future litigation. Also, to the extent plaintiffs prevailed in such lawsuits, Orange County or other local governments would be financially responsible for restoring the Waters at issue to the conditions existing prior to being polluted.

The actual cost, occurrence, scope, frequency, or complexity of any future litigation associated with the proposed Charter amendment cannot be predicted, and therefore its fiscal impact is unknown.

The proposed amendment may also have an indeterminate positive fiscal impact on Orange County or other local government expenditures by shifting some environmental remediation costs away from government and on to non-natural persons or corporate entities to the extent that these entities are sued under this proposed amendment and are required to restore the Waters at issue to the condition as they existed prior to being polluted.

3. Florida Law

The Florida Legislature recently approved CS/CS/SB 712–Environmental Resource Management. That bill appears to preempt the proposed Charter amendment and render it unenforceable. As of April 9, 2020, that bill has not yet been presented to the Governor.