

Complete CRC Resolution Package for Proposals 5,10,& 19

1. PROPOSED CRC RESOLUTION NO. 2022-001- Proposal 1

Charter Review Proposal # 5 -7.4.1 Repeal of Three Attorney Panel

Proposal Passed (14-0) on 06-23-2022

Amendment to Proposed Ballot Summary Language by Mr. Blaise Trettis:07-07-2022

Proposed Ballot Summary Language 07-21-2022

Resolution Ballot Summary Language Final 8-04-2022

BCC Resolution 8-04-2022

2. PROPOSED CRC RESOLUTION NO. 2022-002-Proposal 2

Charter Review Proposal # 10 - Amend 7.3.3 Supermajority

Proposal Passed (13-0) on 7-07-2022

Amendment to Proposed Ballot Summary Language By Marie Rogerson 07-21-2022

Resolution Ballot Summary Language Final 8-04-2022

BCC Resolution 8-04-2022

3. PROPOSED CRC RESOLUTION NO. 2022-003-Proposal 3

Charter Review Proposal #19 - Amend Section 5.2 Recall-Scrivener's Error and to add school board members to the list of county officers subject to recall

Proposal Passed (13-0) on 7-07-2022 Approved with amended language

Proposed Ballot Summary Language 07-21-2022

Resolution Ballot Summary Language Final 8-04-2022

BCC Resolution 8-04-2022

REVISED PROPOSAL 5 REGARDING RULE 7.4.1.
INDEPENDENT REVIEW OF PROPOSED CHARTER AMENDMENTS

Blaise Trettis (proponent), member of the 2021-22 Brevard County Charter Review Commission, proposes the following changes to section 7.4.1 Independent review of proposed charter amendments in which underlined words are added words.

7.3.2 Amendment by petition

Amendments to this Charter may be proposed by a petition signed by at least four percent (4%) of the electors from each County Commission District, provided that any such amendment shall embrace but one subject matter directly connected therewith in the manner set forth in subsections 7.3.2.1 through 7.3.2.4 below.³

7.3.2.1

Each amendment shall embrace but one subject and matter directly connected therewith. The amendment shall not extend to existing budgets, existing debt obligations, existing capital improvement obligations, salaries of non-elected County officers and employees, the collection of taxes or rezoning of less than five per cent (5%) of the total land area of the County.

7.3.2.2

The sponsor of the measure shall register as a political committee as required by general law and shall submit a petition setting forth the ballot title, substance and text of the proposed amendment to the Supervisor of Elections. The sponsor must then obtain the signatures on the petition of at least 1% of the electors from each County Commission district and then resubmit the signed petitions to the Supervisor of Elections for verification that the electors signing the petition are qualified voters. When the Supervisor of Elections has verified the signatures, the Supervisor shall report such verification to the Board of County Commissioners.

7.3.2.3

Once the signatures are verified, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.

³ The wording of section 7.3.2 presented here is a combination of the amendment wording set forth in County Commission Corrected Resolutions 2000-268 and 2000-269, both of which received referendum approval. The precise language of the two resolutions as approved by the voters has been combined in this form by the editors in an attempt to preserve the actual text as well as the intent and meaning of the text in both approved amendments.

7.3.2.4.⁴

If at least two members of the panel find that the proposed amendment is consistent with the Florida Constitution, general law and this Charter, then such consistency shall be presumed and the petition shall be returned to the sponsor who must thereafter obtain enough signatures from electors in each county commission district to bring the total number of petition signatures to at least 4% of the qualified electors in each county commission district. The verification procedures for signatures on initiative petitions set forth in Section 5.1.1 of this Charter shall thereafter be followed.

Since this charter does not provide the Board, or the Petitioner with an avenue to determine whether proposed amendments are consistent with the State Constitution or general law, the proposed amendment will be governed by Section 1.3 and Section 1.6 of this charter, and the proposed amendment will be placed on the ballot for approval or rejection. The sponsor of an amendment shall, prior to obtaining signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signature will be affixed. The procedures for initiative petitions set forth in Section 5.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to existing budgets, existing debt obligations, existing capital improvement programs, salaries of non-elected County officers and employees, the collection of taxes, or the rezoning of less than five percent (5%) of the total land area of the County.

Section 7.4 Charter Review

Not later than July 1 of the year 1997 and of every sixth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the County. Each Charter Review Commission shall consist of fifteen (15) persons, with not less than two (2) members residing in each Commission district. The Commission shall otherwise be appointed in the manner provided by law for the appointment of charter commissions in counties without charters. The Commission shall be funded by the Board of County Commissioners and shall be known as the "Brevard County Charter Review Commission." It shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment of the Charter its recommendation that no amendment is appropriate. If amendment is to be recommended, the Charter Commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments concurrent with the next general election. The Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising education and information on the proposed amendments.

⁴ The editors have renumbered this subsection from (c), which is the designation given to this paragraph in County Commission Resolution 2000-268, to 7.3.2.4, which is referenced at the end of the first sentence of section 7.3.2 in Corrected Resolution 2000-268. This change corrects an apparent scrivener's error in the text of the original Corrected Resolution 2000-268 in which it appears that sub paragraph (c) should have been numbered as subsection 7.3.2.4.

7.4.1 Independent Review of Proposed Charter Amendments

1. For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.

2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this Charter, the County Commission shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth in the last paragraph of section 7.3.3. in this Charter. Passage of a proposed charter amendment shall require approval by a majority of the registered electors voting in the special election. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this Charter, then the proposal is considered rejected and is returned to the County Commission or to the Charter Review Commission for further action if any is to be done.

7.4.2 Analysis of fiscal impact of proposed charter amendment

The Charter Review Commission shall obtain an analysis of the fiscal impact of a proposed charter amendment prior to transmittal of the proposed charter amendment to the County Commission. (Newly adopted 11-2-10)

Reason for Changes to Proposal

The proposal has been changed to return the Charter language to its current wording with the exception of a single sentence added to section 7.4.1. This was done because there hasn't been a petition drive to change the Charter since 1999 when 16,000 signed petitions were obtained to put county commissioner term limits on the ballot. See CRC attorney Paul Gougelman's January 22, 2022, memo on county commission term limits at page 4. With only one petition drive done in 22 years, there is arguably no reason to change the amendment by petition language in the Charter and such proposed change unnecessarily complicates the proposal for the voters. Thus, the amendment by petition language in the Charter is returned to its current language in this revised proposal.

The revised proposal adds this underlined sentence to the end of section 7.4.1.: If at least two members of the panel find that the proposed amendment is not inconsistent with the Florida Constitution, general law, or this Charter, then the proposal is considered rejected and is returned to the County Commission or to the Charter Review Commission for further action if any is to be done. The addition of this sentence ends the uncertainty of what happens under the current language of section 7.4.1. when at least two members of the panel do not find that the proposal is consistent with the Florida Constitution and general law. Under the revised proposal, the proposal is rejected and returned to the County Commission or to the Charter Review Commission for further action if either decides to continue its work on the proposal.

Proponent submits that this change will prevent an ideologically driven County Commission or Charter Review Commission from intentionally placing on the ballot Charter amendment proposals which contradict state law. The Right to Clean Water charter amendment passed by the electors in Orange County in 2020 is what prompted proponent to make this change to section 7.4.1. of the Brevard County Charter. The Orange County Charter Review Commission in 2019 started its work on the Right to Clean Water charter amendment. Knowing of the pending proposal, in the spring of 2020 the Florida legislature passed Chapter 2020-150, Laws of Florida, amending section 403.412(9)(a) Florida Statutes, to expressly prohibit a county from amending its Charter to provide that a person or political subdivision can be granted a specific right relating to the natural environment not otherwise authorized in general law or granted in the State Constitution. Despite this clear intention of the legislature to preempt a county charter from being amended to include a provision such as Orange County's Right to Clean Water proposal, the Charter Review Commission voted approval of the amendment and it was placed on the ballot and passed.

Proponent submits that the revised proposal above acts as an "emergency brake" to prevent unconstitutional and unlawful Charter amendment proposals from being placed on the ballot and is needed when considering the history of the Orange County Charter Review Commission Right to Clean Water charter amendment proposal.

SERVICE OF PROPOSAL

This proposal was sent by e-mail on June 21, 2022, to: the members of the Brevard County Charter Review Commission; to Commission attorney Paul R. Gougelman; to Brevard County employees Jim Liesenfelt, Melissa Brandt.



MEMORANDUM

TO: Chairman and Members of the Brevard
County Charter Review Commission

FROM: Paul Gougelman, General Counsel

SUBJECT: Transmittal Resolution for Proposal 5
Amending Section 7.4.1 of the Charter

DATE: June 26, 2022

At the last Charter Review Commission ("CRC") meeting, the CRC unanimously approved Commissioner Trettis' amended version of Proposal 5. The transmittal resolution, which includes both the text of the amendment and the ballot summary, is attached for your review. Pursuant to Section 101.161(1), Florida Statutes,¹ the ballot question must include a title which does not exceed 15 words and a summary which does not exceed 75 words. The summary must set forth the chief purpose of the issue presented.

When the CRC approves transmittal of the proposal and ballot summary, to move things forward in the form approved by the CRC, I will also include a resolution to place the item on the ballot which must be approved by the County Commission.

PRG/mb

¹ Pertinent portions of Section 101.161(1), Florida Statutes, provide with emphasis supplied:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. . . . The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. . .

**2021-2022 Brevard County Charter Review
Record of Vote**

(CRC:2021-2022 Amended Proposal 5 Three Attorney Review Panel)

Motion by: Completion of 3rd Public Hearing-Commission Decided 06-23-2022 to vote.

Second by:

All those in favor of Proposal 1- Yes/All opposed to proposal 1 say No

Chandler	District 5	Y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Gabriel Jacobs-Kierstein	District 3	Y	Rogerson	District 2	Y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	Y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Approve Proposal 5- Amendment to 7.4.1-Three Attorney Review Panel

Passed Unanimous 14-0

Motion to Strike Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

CRC RESOLUTION NO. 2022-001

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE FOR A CHARTER AMENDMENT WHICH AMENDS SECTION 7.4.1 TO CLARIFY WHAT HAPPENS TO A PROPOSAL THAT IS FOUND BY THE ATTORNEY REVIEW PANEL NOT TO BE CONSISTENT WITH THE FLORIDA CONSTITUTION, GENERAL LAW, OR THE CHARTER; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 8, 2022, GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

WHEREAS, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

WHEREAS, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall present to the County Commissioners its recommendations for amendments to the Charter; and

WHEREAS, the Charter of Brevard County, Florida, provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election.

NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY CHARTER REVIEW COMMISSION:

SECTION 1: That each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

SECTION 2: That pursuant to Section 7.4. of the Charter of Brevard County; Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November 8, 2022, General Election, a referendum issue, the subject and ballot question of which is to provide for an amendment to question of which is to provide for an amendment to Section 7.4.1 of the Brevard County Charter, which would clarify what happens to a proposal that is found by the attorney review panel not to be consistent with the Florida Constitution, general law, or the Charter. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 7.4.1. - Independent review of proposed charter amendments.

1. For any proposed amendment sponsored by the county commission ~~County Commission~~ or the charter review commission ~~Charter Review Commission~~, the county commission ~~County Commission~~, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this charter ~~Charter~~. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.
2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this charter ~~Charter~~, the county commission ~~County Commission~~ shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth in the last paragraph of section 7.3.3. in this charter ~~Charter~~. Passage of a proposed charter amendment shall require approval by a majority of the registered electors voting in the special election. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this charter, then the proposal is considered rejected and is returned to the county commission or to the charter review commission for further action if any is to be done.

SECTION 3: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**BREVARD COUNTY CHARTER AMENDMENT
PROPOSAL NO. 1 – ATTORNEY REVIEW PANEL**

The County Charter does not say what will be done when the Charter’s attorney review panel determines that a proposed Charter amendment is inconsistent with the Florida Constitution, general law, and existing charter. Shall the Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, general law, or the existing Charter be returned to the County Commission or Charter Review Commission for further action if any is to be done?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 4: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue set forth in Section 3. of this Resolution, shall become a part of the Charter of Brevard County, Florida.

SECTION 5: That the County Attorney is hereby directed to ensure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 6: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 7: That this Resolution shall become effective immediately upon its adoption. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the electors of Ballot Proposal No. 1 set forth in Section 3. of this Resolution. The amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

Adopted this __ day of _____, 2022.

Mike Haridopolos, Chair

RESOLUTION 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2022, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD AMEND THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE FOR A CHARTER AMENDMENT WHICH AMENDS SECTION 7.4.1 TO CLARIFY WHAT HAPPENS TO A PROPOSAL THAT IS FOUND BY THE ATTORNEY REVIEW PANEL NOT TO BE CONSISTENT WITH THE FLORIDA CONSTITUTION, GENERAL LAW, OR THE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule Charter, Article VIII, section (1)(c), and Article X, Section 12(d), of the Florida Constitution and any other applicable provision of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."

B. The Charter Review Commission has proposed an amendments to the Brevard County Charter.

C. The Legal Panel review of the amendment found amendment Proposal 1 (Amendment to Section 7.4.1 relating to the Attorney Review Panel) as set forth in CRC Resolution 2022-001 to be consistent with the Florida Constitution, genera law, and the Brevard County Charter and to contain a single subject.

D. The general election to be held on November 8, 2022, is an appropriate and desirable date for the conduct of a concurrent special election on the proposed CRC amendment.

SECTION 3. SPECIAL ELECTION. A special election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the amendment to the Brevard County Home Rule Charter as recited in CRC Resolution 2022-001, as the proposed amendment is more particularly set forth in Section 7 below, shall be approved.

SECTION 4. NOTICE OF SPECIAL ELECTION. This Resolution shall be published once a week for four consecutive weeks in full as part of the Notice of Special Election, together with a notice in substantially the form attached hereto as Exhibit "A," in Florida Today, a newspaper of general circulation in the County with the first such publication occurring in the fifth week prior to the election provided that the first publication must be at least thirty days but no more than forty-five day prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and the inspectors and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. Proposal No. 1. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and, without waiving the County's right to challenge the amendment as misleading, that description shall conform to the ballot language submitted by the CRC and ordered to be placed on the ballot by the Court in substantially the following form:

BALLOT
Brevard County, Florida

BREVARD COUNTY CHARTER AMENDMENT
PROPOSAL NO. 1 – ATTORNEY REVIEW PANEL

The County Charter does not say what will be done when the Charter's attorney review panel determines that a proposed Charter amendment is inconsistent with the Florida Constitution, general law, and existing charter. Shall the Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, general law, or the existing Charter be returned to the County Commission or Charter Review Commission for further action if any is to be done?

_____ Yes for approval

_____ No for rejection

SECTION 7. CHARTER AMENDMENT. Proposal No. 1. The full text of the proposed CRC amendment reads as follows:

A. Section 7.4.1 Brevard County Home Rule Charter is hereby amended to read as set forth below. In interpreting the proposed amendment, new language is

underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 7.4.1. - Independent review of proposed charter amendments.

1. For any proposed amendment sponsored by the county commission ~~County Commission~~ or the charter review commission ~~Charter Review Commission~~, the county commission ~~County Commission~~, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this charter ~~Charter~~. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.

2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this charter ~~Charter~~, the county commission ~~County Commission~~ shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth in the last paragraph of section 7.3.3. in this charter ~~Charter~~. Passage of a proposed charter amendment shall require approval by a majority of the registered electors voting in the special election. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this charter, then the proposal is considered rejected and is returned to the county commission or to the charter review commission for further action if any is to be done.

B. The above amendment to Article 7, shall become effective upon approval of the electors of Brevard County, and the amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for

Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a special election shall be "Yes For Approval," the amendments shall pass until and unless such amendment or ballot language is invalidated by a court with jurisdiction.

SECTION 12. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE, AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk
(SEAL)

Kristine Zonka, Chair

As approved by the Board on _____

Reviewed for legal form and content:

County Attorney

RESOLUTION 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2022, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD AMEND THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 7.3.3 TO REQUIRE APPROVAL OF ANY CHARTER AMENDMENT BY AT LEAST SIXTY PERCENT OF THE ELECTORS VOTING; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule Charter, Article VIII, section (1)(c), and Article X, Section 12(d), of the Florida Constitution and any other applicable provision of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."

B. The Charter Review Commission has proposed an amendment to the Brevard County Charter.

C. The Legal Panel review of the amendment found amendment Proposal 2 (Amendment to Section 7.3.3 relating to the approval by sixty percent of the voters voting on a charter amendment proposal) as set forth in CRC Resolution 2022-002 to be consistent with the Florida Constitution, general law, and the Brevard County Charter and to contain a single subject.

D. The general election to be held on November 8, 2022, is an appropriate and desirable date for the conduct of a concurrent special election on the proposed CRC amendment.

SECTION 3. SPECIAL ELECTION. A special election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the amendment to the Brevard County Home Rule Charter as recited in CRC Resolution 2022-002, as the proposed amendment is more particularly set forth in Section 7 below, shall be approved.

SECTION 4. NOTICE OF SPECIAL ELECTION. This Resolution shall be published once a week for four consecutive weeks in full as part of the Notice of Special Election, together with a notice in substantially the form attached hereto as Exhibit "A," in Florida Today, a newspaper of general circulation in the County with the first such publication occurring in the fifth week prior to the election provided that the first publication must be at least thirty days but no more than forty-five day prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and the inspectors and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. Proposal No. 2. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and, without waiving the County's right to challenge the amendment as misleading, that description shall conform to the ballot language submitted by the CRC and ordered to be placed on the ballot by the Court in substantially the following form:

BALLOT
Brevard County, Florida

BREVARD COUNTY CHARTER AMENDMENT
PROPOSAL NO. 2 – APPROVAL BY 60% OF VOTERS
VOTING ON AMENDMENT

Shall the Charter be amended to require a vote of at least sixty percent of those voters voting on a proposed amendment be required to adopt the proposal? The Brevard County Charter currently requires amendments be approved by a simple majority.

_____ Yes for approval

_____ No for rejection

SECTION 7. CHARTER AMENDMENT. Proposal No. 2. The full text of the proposed CRC amendment reads as follows:

A. Section 7.3.3 Brevard County Home Rule Charter is hereby amended to read as set forth below. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 7.3.3. - Amendment referendum.

The board of county commissioners ~~Board of County Commissioners~~ will cause any charter ~~Charter~~ amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval or rejection. Upon receipt of the official certification from the supervisor of elections ~~Supervisor of Elections~~ that the initiative requirements have been met, the board ~~Board~~ will, within 30 days, establish the referendum date. The proposed amendment will be placed on the ballot at a special election held concurrent with the next countywide election, or at any earlier special election called for that purpose. If the board ~~Board~~ refuses to comply with Section 7.3.2 or refuses to place the proposed amendment on the ballot as required by this section of the charter, the board's ~~Board's~~ action may be construed as interfering with the right of the people to petition and may be considered an act of malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution.

Notice of said referendum, together with the language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first publication being not more than forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval by a vote of at least sixty percent of the ~~a majority of~~ electors voting on the measure ~~in said election~~.

B. The above amendment to Article 7, shall become effective upon approval of the electors of Brevard County, and the amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special election, applicable portions

of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a special election shall be "Yes For Approval," the amendments shall pass until and unless such amendment or ballot language is invalidated by a court with jurisdiction.

SECTION 12. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE, AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk
(SEAL)

Kristine Zonka, Chair

As approved by the Board on _____

Reviewed for legal form and content:

County Attorney

2021-2022 Brevard County Charter Review
Record of Vote

(CRC:2021-2022- Proposal 10- Supermajority 7.3.3)

Motion by: Completion of 3rd Public Hearing-Commission Decided 07-07-2022 to vote following Blaise Trettis motion to amend language and Commission Approving.

Second by:

All those in favor of Proposal 10- Yes/All opposed to proposal 10 say No

Chandler	District 5	Y	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	Y
Jenkins	District 4	Y	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	Y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 10- Supermajority

Motion to Approve Proposal 10 -Supermajority- Motion Approved Unanimous 13-0

July 07, 2022

Brevard County Charter Review Co

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022



2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

MEETING DATE: July 07,2022

AGENDA ITEM NUMBER: Proposal 10 -Public Hearing 3

SUBJECT:

Amend the last sentence of Section 7.3.3 of the Brevard County Charter

PETITIONER CONTACT:

Marie Rogerson; Charter Review Commission Member - District 2

REQUESTED ACTION:

Proposal to amend the last sentence of Section 7.3.3 for clarity and to reflect the need for greater consensus before changing the County Charter.

SUMMARY EXPLANATION & BACKGROUND:

Section 7.3.3 - Sentence Amended as follows:

Passage of proposed amendments shall require ~~approval of a majority of electors voting said election.~~ approval by a vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the Charter on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

Staff Contact:

Melissa Brandt

Telephone Number:

(321) 301-4438

Email Address:

Melissa.Brandt@brevardfl.gov

CRC RESOLUTION NO. 2022-002

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 7.3.3 TO REQUIRE APPROVAL OF ANY CHARTER AMENDMENT BY AT LEAST SIXTY PERCENT OF THE ELECTORS VOTING; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 8, 2022, GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

WHEREAS, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

WHEREAS, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall present to the County Commissioners its recommendations for amendments to the Charter; and

WHEREAS, the Charter of Brevard County, Florida, provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election.

NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY CHARTER REVIEW COMMISSION:

SECTION 1: That each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

SECTION 2: That pursuant to Section 7.4. of the Charter of Brevard County; Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November 8, 2022, General Election, a referendum issue, the subject and ballot question of which is to provide for an amendment to Section 7.3.3 of the Brevard County Charter, which would require approval of any charter amendment by sixty percent (60%) of the electors voting on the proposal. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 7.3.3. - Amendment referendum.

The board of county commissioners ~~Board of County Commissioners~~ will cause any charter ~~Charter~~ amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval or rejection. Upon receipt of the official certification from the supervisor of elections ~~Supervisor of Elections~~ that the initiative requirements have been met, the board ~~Board~~ will, within 30 days, establish the referendum date. The proposed amendment will be placed on the ballot at a special election held concurrent with the next countywide election, or at any earlier special election called for that purpose. If the board ~~Board~~ refuses to comply with Section 7.3.2 or refuses to place the proposed amendment on the ballot as required by this section of the charter, the board's ~~Board's~~ action may be construed as interfering with the right of the people to petition and may be considered an act of malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution.

Notice of said referendum, together with the language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first publication being not more than forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval by a vote of at least sixty percent of the a majority of electors voting on the measure in said election.

SECTION 3: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

BREVARD COUNTY CHARTER AMENDMENT

**PROPOSAL NO. 2 – APPROVAL BY 60% OF VOTERS
VOTING ON AMENDMENT**

Shall the Charter be amended to require a vote of at least sixty percent of those voters voting on a proposed amendment be required to adopt the proposal? The Brevard County Charter currently requires amendments be approved by a simple majority.

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 4: That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution shall become a part of the Charter of Brevard County, Florida.

SECTION 5: That the County Attorney is hereby directed to ensure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 6: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 7: That this Resolution shall become effective immediately upon its adoption. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the voters of Ballot Proposal No. 2 set forth in Section 3. of this Resolution. The amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

Adopted this ___ day of _____, 2022.

Mike Haridopolos, Chair

RESOLUTION 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2022, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD AMEND THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 5.2 TO PROVIDE FOR RECALL OF CERTAIN COUNTY OFFICERS AND SCHOOL BOARD MEMBERS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule Charter, Article VIII, section (1)(c), and Article X, Section 12(d), of the Florida Constitution and any other applicable provision of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."

B. The Charter Review Commission has proposed an amendment to the Brevard County Charter.

C. The Legal Panel review of the amendment found amendment Proposal 3 (Amendment to Section 5.2 relating to the recall of certain county officers and school board members) as set forth in CRC Resolution 2022-003 to be consistent with the Florida Constitution, general law, and the Brevard County Charter and to contain a single subject.

D. The general election to be held on November 8, 2022, is an appropriate and desirable date for the conduct of a concurrent special election on the proposed CRC amendment.

SECTION 3. SPECIAL ELECTION. A special election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the amendment to the Brevard County Home Rule Charter as recited in CRC Resolution 2022-003, as the proposed amendment is more particularly set forth in Section 7 below, shall be approved.

SECTION 4. NOTICE OF SPECIAL ELECTION. This Resolution shall be published once a week for four consecutive weeks in full as part of the Notice of Special Election, together with a notice in substantially the form attached hereto as Exhibit "A," in Florida Today, a newspaper of general circulation in the County with the first such publication occurring in the fifth week prior to the election provided that the first publication must be at least thirty days but no more than forty-five day prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and the inspectors and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. Proposal No. 3. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and, without waiving the County's right to challenge the amendment as misleading, that description shall conform to the ballot language submitted by the CRC and ordered to be placed on the ballot by the Court in substantially the following form:

BALLOT
Brevard County, Florida

BREVARD COUNTY CHARTER AMENDMENT

**PROPOSAL NO. 3 – RECALL OF COUNTY OFFICERS
AND SCHOOL BOARD MEMBERS**

The County Charter allows for the recall election and replacement of the Clerk of Court, Property Appraiser, Supervisor of Elections, Tax Collector, and Sheriff, in the manner provided for by state law for recall of County Commissioners. Shall the Charter be amended to add School Board Members to this list who may face recall election and replacement in the manner provided by state law for recall of County Commissioners?

_____ Yes for approval

_____ No for rejection

SECTION 7. CHARTER AMENDMENT. Proposal No. 3. The full text of the proposed CRC amendment reads as follows:

A. Section 5.2 Brevard County Home Rule Charter is hereby amended to read as set forth below. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 5.2. - Recall.

The county commissioners ~~County Commissioners~~ shall be subject to recall as provided by section 100.361, Florida Statutes, as amended or superseded from time to time ~~general law~~. Any elected county ~~County~~ officer named in Section 4.1.1. 4.2 of this charter ~~Charter~~ and school board members may be recalled in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for removal of a county commissioner ~~County Commissioner~~ of a charter county. A successor to the unexpired term of any recalled commissioner or elected county ~~County~~ officer, or school board member, shall be elected in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for filling of vacancies in office after recall in charter counties.

B. The above amendment to Article 7, shall become effective upon approval of the electors of Brevard County.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a special election shall be "Yes For Approval," the amendments shall pass until and unless such amendment or ballot language is invalidated by a court with jurisdiction.

SECTION 12. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE, AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this ____ day of _____, 2022.

ATTEST: BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk
(SEAL)

Kristine Zonka, Chair

As approved by the Board on _____

Reviewed for legal form and content:

County Attorney

SECOND AMENDED PROPOSAL 19

Blaise Trettis (proponent), member of the 2021-22 Brevard County Charter Review Commission, proposes the following amendment to correct the scrivener's error in section 5.2 Recall and to add school board members to the list of county officers subject to recall and which replaces "general law" with "section 100.361 Florida Statutes." Additional numbers and words are underlined; deleted numbers and words are stricken-through.

Section 5.2. Recall

The County Commissioners shall be subject to recall as provided by ~~general law~~ section 100.361 Florida Statutes. Any elected County officer named in Section ~~4.2~~ 4.1.1, of this Charter and school board members may be recalled in the manner provided by ~~general law~~ section 100.361 Florida Statutes for removal of a County Commissioner of a charter county. A successor to the unexpired term of any recalled commissioner, ~~or~~ or elected County officer, or school board member; shall be elected in the manner provided by ~~general law~~ section 100.361 Florida Statutes for filling of vacancies in office after recall in charter counties.

Reason for Change Made in Second Amended Proposal 19

At the request of a member of the Charter Review Commission (CRC) made at the June 23, 2022, meeting of the CRC, the words "general law" have been replaced with "section 100.361 Florida Statutes." Proponent submits that this change is beneficial because it will inform the public of the specific Florida statute which prescribes the manner in which recall petitions and elections are conducted. This specific citation to the statute will allow the public to research the details of the recall procedure so that the public will be informed of the seven lawful grounds for removal from office listed in the statute, which are: 1) malfeasance; 2) misfeasance; 3) neglect of duty; 4) drunkenness; 5) incompetence; 6) permanent inability to perform official duties; 7) conviction of a felony involving moral turpitude. Additionally, from reading the statute the public will be able to understand the difficulty presented by the recall statute which requires two separate petition drives requiring five percent of the electors sign the first- round petition and which requires that fifteen percent of the electors sign the second- round petition. By having the recall statute number cited in section 5.2 Recall, the public will be able to learn of the severe time limitations for the collection of signed petitions required by the statute. In sum, by citing the recall statute in section 5.2 Recall, the public will be able to become more knowledgeable to make an informed decision on whether to vote for or against the proposed amendment to section 5.2 Recall.

Service of Proposal

This proposal was sent by email on June 24, 2022, to: the members of the Brevard County Charter Review Commission; to Commission attorney Paul Gougelman; to Brevard County employees Jim Liesenfelt, Melissa Brandt.

CRC RESOLUTION NO. 2022-003

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 5.2 TO PROVIDE FOR RECALL OF CERTAIN COUNTY OFFICERS AND SCHOOL BOARD MEMBERS; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 8, 2022, GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

WHEREAS, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

WHEREAS, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall present to the County Commissioners its recommendations for amendments to the Charter; and

WHEREAS, the Charter of Brevard County, Florida, provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election.

NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY CHARTER REVIEW COMMISSION:

SECTION 1: That each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

SECTION 2: That pursuant to Section 7.4. of the Charter of Brevard County; Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November 8, 2022, General Election, a referendum issue, the subject and ballot question of which is to provide for an amendment to Section 5.2 of the Brevard County Charter, which would correct an erroneous reference in Section 5.2 to Section 4.2 and provide for the recall of the Clerk of Court, Property Appraiser, Sheriff, Tax Collector, or the Supervisor of Elections and also provide for the recall of School Board Members. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 5.2. - Recall.

The county commissioners ~~County Commissioners~~ shall be subject to recall as provided by section 100.361, Florida Statutes, as amended or superseded from time to time ~~general law~~. Any elected county ~~County~~ officer named in Section 4.1.1. 4.2 of this charter ~~Charter~~ and school board members may be recalled in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for removal of a county commissioner ~~County Commissioner~~ of a charter county. A successor to the unexpired term of any recalled commissioner or elected county ~~County~~ officer, or school board member, shall be elected in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for filling of vacancies in office after recall in charter counties.

SECTION 3: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

BREVARD COUNTY CHARTER AMENDMENT

PROPOSAL NO. 3 – RECALL OF COUNTY OFFICERS AND SCHOOL BOARD MEMBERS

The County Charter allows for the recall election and replacement of the Clerk of Court, Property Appraiser, Supervisor of Elections, Tax Collector, and Sheriff, in the manner provided for by state law for recall of County Commissioners. Shall the Charter be amended to add School Board Members to this list who may face recall election and replacement in the manner provided by state law for recall of County Commissioners?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 4: That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution shall become a part of the Charter of Brevard County, Florida.

SECTION 5: That the County Attorney is hereby directed to ensure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 6: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 7: That this Resolution shall become effective immediately upon its adoption. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the voters of Ballot Proposal No. 3 set forth in Section 3. of this Resolution.

Adopted this __ day of _____, 2022.

Mike Haridopolos, Chair

**2021-2022 Brevard County Charter Review
Record of Vote**

(CRC:2021-2022 – Proposal 19- Section 5.2 Recall)

Motion by: Completion of 3rd Public Hearing-Commission Decided 07-07-2022 to vote following approval of amendment.

All those in favor of Proposal 19- Yes/All opposed to proposal 19 say No

Chandler	District 5	Y	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	Y
Jenkins	District 4	Y	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 19-

Motion to Approve Proposal 19 -Recall- Section 5.2 Motion Approved- Unanimous Vote 13-0

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022