

**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 \_\_\_\_\_

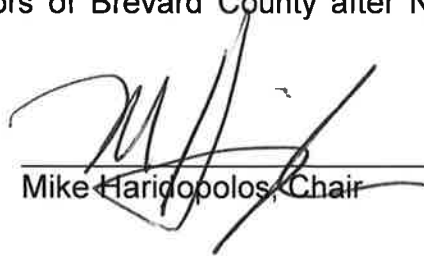
**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution shall become a part of the Charter of Brevard County, Florida.

**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 4 day of August, 2022.

  
\_\_\_\_\_  
Mike Haridopoulos, Chair



**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.

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

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

Motion by: Completion of 3<sup>rd</sup> 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