

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

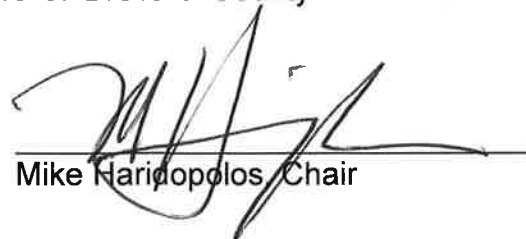
**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue set forth in Section 3. of this Resolution, shall become a part of the Charter of Brevard County, Florida.

**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 4 day of August, 2022.

  
\_\_\_\_\_  
Mike Haridopolos, Chair

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.<sup>3</sup>

**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.

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<sup>3</sup> 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.

#### **7.4.1 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)



## 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,<sup>1</sup> 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

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<sup>1</sup> 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 3<sup>rd</sup> 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