

BREVARD COUNTY CHARTER REVIEW COMMISSION

AGENDA

August 04, 2022

**2725 Judge Fran Jamieson Way, 1st Floor, Building C Viera, FL
32940**

Florida Room, 3rd Floor Building C 1:00 P.M.

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Minutes
- E. Reports:

- 1. Chairman
- 2. CRC Staff Person
 - a. County Commission Vacancy Information
- 3. CRC Attorney
 - a. Proposal 8 Memo on Vacancies

F. Active Proposals

1. Proposal 8- Amend Section 2.7 – Vacancies and Suspensions
(Amended 5/19/2022) Public Hearing # 6

a.(Amended 7/25/2022 by Mr. Blaise Trettis)

b.(Amended 7/26/2022 by Mr. Robert Burns)

(Tabled at meeting on 6/23/2022)

(Tabled at meeting on 7/7/2022)

(Tabled at meeting on 7/21/2022)

Public Comment

**PLEASE NOTE- THE FINAL MEETING OF THE CHARTER
REVIEW COMMISSION WILL BE HELD AT 1:00 PM ON
AUGUST 4TH. THE LOCATION WILL BE ON THE 3RD FLOOR
IN THE FLORIDA ROOM!**

2. Proposal 17 -Amend Section 2.4 Term Limits-Public Hearing #5

a.(Amended 7/25/2022 by Mr. Blaise Trettis)

b.(Amended 7/26/2022 by Mr. Tomboulides)

(Tabled at meeting on 07-07-2022)

(Tabled at meeting on 07-21-2022)

Public Comment

3. Proposal 24 - Addition of Section 1.9 to Article 1

Establish Workforce Housing Trust Fund for Vulnerable Families

Public Hearing #5

(Tabled at meeting on 07-07-2022)

(Tabled at meeting on 07-21-2022)

Public Comment

**** List of all proposals including those removed from consideration attached****

G. Public Comment

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H. Unfinished Business

1. **PROPOSED CRC RESOLUTION NO. 2022-004-Proposal 4**

**Charter Review Proposal # 20-Amend Article 7.4.1-Add subsection 3
3-Panel Attorney Process**

Proposal Passed (12-1) on 7-07-2022 Approved with amended language
Proposed Ballot Summary Language Tabled 07-21-2022
Resolution Ballot Summary Language Final 8-04-2022
BCC Resolution 8-04-2022

I. New Business

1. **PROPOSED CRC RESOLUTION NO. 2022-005 Proposal5**

**Charter Review Proposal # 8 Vacancies and Suspensions (if
proposal passes) 8-04-2022**

a. Proposed Ballot Summary Language Provided by Blaise
Trettis 7/25/2022

b. Proposed Ballot Summary Language Provided by Paul
Gougelman 7/26/2022

2. **PROPOSED CRC RESOLUTION NO. 2022-006-Proposal 6**

**Charter Review Proposal # 17- Term Limits(if proposal passes
8-04-2022)**

a. Proposed Ballot Summary Language Provided by Blaise
Trettis 7/25/2022

b. Proposed Ballot Summary Language Provided by Paul
Gougelman 7/26/2022

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3. PROPOSED CRC RESOLUTION NO. 2022-007-Proposal 7

**Charter Review Proposal # 24-Workforce Housing Trust Fund
(if proposal passes 8-04-2022)**

Proposed Ballot Summary Language Provided by Paul Gougelman
07/26/2022

J. Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify Melissa Brandt no later than 48 hours prior to the meeting at (321) 301-4438.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC DEVICES and CELL PHONES REMAIN OFF while the meeting is in session. Pursuant to 286.0105, Florida Statutes, the County hereby advises the public that if a person decides to appeal any decision made by the Charter Review Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the County for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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CHARTER REVIEW COMMISSION MEETING

Agenda Item D

Thursday, July 21, 2022

3:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way, 1st Floor
Viera, Florida 32940

A. Call to Order

Mike Haridopolos: All right, I would like to call to order the Brevard County Charter Review Commission. If we would all please rise today for The Pledge of Allegiance, led today by Dave Neuman.

B. Pledge of Allegiance

I pledge of allegiance to the flag, of the United States of America, and to the Republic for which it stands, one Nation, under God with Liberty and Justice for All.

Mike Haridopolos: Thank you, if we could please call the roll that would be great.

C. Roll Call:

Melissa Brandt:

Robin Fisher (District I) - Present
Kendall Moore (District I)- Present
Marcia Newell (District I)-Present
Mike Haridopolos (District II)-Present
Marie Rogerson (District II)-Present
Blaise Trettis (District II)-Present
Bob White (District III)- Absent
Matt Nye (District III)- Absent
Gabriel Jacobs-Kierstein (District III)-Present
Tom Jenkins (District IV)-Present
Cole Oliver (District IV)- Absent
Sue Schmitt (District IV)-Present
Jordin Chandler (District V)- Present
Vic Luebker (District V)-Present
Dave Neuman (District V)-Present

Staff Members Present- Melissa Brandt, Jim Liesenfelt, Assistant County Manager,
Attorney Paul Gougelman

Melissa Brandt: -We have a quorum.

Mike Haridopolos: Thank you very much. Before we get started I want to make sure that everyone in the audience, and everyone on our team of course as well, if you could please turn off your cell phones, at least to silent mode. That would be much appreciated so we could move swiftly through the agenda.

Sue Schmitt: Mr. Chairman?

Mike Haridopolos: What do you got?

Sue Schmitt: Before you start into the agenda, there are some people here that are maybe not aware, but Mr. Haridopolos Dad passed away this week, and I have known his Father for a lot of years, and he was probably one of the nicest and kindest people that I have ever met. I have met a lot of people in my life....I just wanted to say, I really got to know him before I knew Mike. Now, I could say that Mike interned in my office, but I won't say that when I was on the Commission (laughter) because it is the truth. I just want to say on behalf of everybody up here we want to send our condolences to you and your family. I for one, really appreciated your Dad. And he liked football too, which I like.

Mike Haridopolos: Well, that is very generous of you Sue, thank you very much. It has been a remarkable outpouring for my Father. He is part of that greatest generation. It is great when you grow up and you know that you are loved every day of your life. My Dad gave my brother and I a lot of balance, and that confidence that it is great to be loved by your parents. We have lost him, he is in a better place, and we are just really blessed to have friends like yourself and others. We are really grateful for that, so thank you very much. It is very generous of you. Thank you. As we move forward, the roll call has been completed, and now we have the approval of minutes.

D. Approval of Minutes from July 07, 2022 Meeting Mr. Fisher moves forward

Mike Haridopolos: Does anyone have any concerns over the minutes from last time? Okay without objection, Mr. Fisher moves that forward I second it and it is approved.

Tom Jenkins: I just want to say, she does a bang- up job on those minutes, she really does.

Robin Fisher: She does do a bank- up job.

Mike Haridopolos: You guys have been great. Well said, with that, we move to reports. Let's go to our staff to see if there are some reports. Jim?

E. Reports:

Jim Liesenfelt: Thank you Mr. Chair. At your desk, should be the memo for the land sales that was asked at the last meeting. You can see there has been somewhere of about ten parcels over the last five years that were sold. What we have shown is what Mr. Jenkins

mentioned at the last meeting. For example, if you purchased land for road widening, you often end up with a lot of little spare parcels here and there. If you buy it with local option gas tax, those funds have to go back to local option gas tax. So, there are some restrictions. You will see, there was about \$ 14,000 that went to the affordable housing just for those parcels, but the total amount of revenue is not a large amount of revenue over the past five years.

Mike Haridopolos: Okay, thank you.

Jim Liesenfelt: And then I have spoken to the Supervisor of Elections staff last week. They are working on getting you the timeline. They are facing the same issue the rest of us are facing, regarding supply chain issues. They have actually discussed how they had to changed their supplier for the sample ballot for the paper. So, they are being pretty careful and cautious on giving you the correct timeline. So, as soon as I have that for you all, we will get it to you. And then last but not least, we are still finishing up the letter of engagements, but I sent them the package today, so they understand the ballot language you are all discussing, so that way, they will be ready to go if you vote on any ballot language today.

Mike Haridopolos: Great, any questions for staff? Next, we will go to Mr. Gougelman.

Paul Gougelman: Very quickly, Mr. Jenkins had asked a very keen question for those of you who are really deeply into county charter's. Issues with constitutional officers and county officers and correct terminology. The memo in the package, his concern was in the charter we have been using term county officers. That language is actually used in the State Constitution, so it is not incorrect language. But, that is obviously a question on the advanced level.

Mike Haridopolos: Absolutely. Are there other questions for Mr. Gougelman? Okay, let's move forward. Is there anything else for the good of the order before we move into our proposals? Okay let's go to proposal number eight.

Proposal 8- Suspensions and Vacancies

Mike Haridopolos: Vacancies and Suspensions, we have been tableting that issue now for a few meetings trying to work through it. I believe, oh great, Mr. Burns is here. Welcome back. Why don't you lead us in the discussion and see where it takes us?

Robert Burns- Thank you Mr. Chair, and again my condolences on the loss of your Father, I lost my Father at a young age too, so I can empathize with you.

Mike Haridopolos; Thank you kindly.

Robert Burns: So again, I think we have talked about this proposal before. I think the last County Commission we had, kind of speaks to the urgency and necessity of this proposal. We had a very controversial item on the agenda that was involved in district 2, and again there was no representation for the citizens in district 2 at the County Commission level to make that decision. I don't think it would have probably changed the outcome, but again those people did not have a Commissioner to represent them on that issue. I am talking about the Driftwood grant. Other than that, according to staff, the Supervisor hasn't gotten

back to us yet as to the timeline. So, I would just ask that whatever timeline that she says is necessary, would be what the language would state in the proposal. Whether that is six months, a year, whatever it may be. Because I think we are dependent upon her needs and abilities.

Mike Haridopolos: All right, are there questions? We tabled this for a reason. Did everyone do their homework and see what kind of ideas we come up with? Vic you are recognized.

Vic Luebker: Thank you Mr. Chair. Mr. Burns, question for you.

Robert Burns: Yes.

Vic Luebker: Thank you for bringing this forward by the way. The appointment process itself, is that something you are set on? It has to be the County Commissioners that do that versus at the state level? Here is my thought on this, and maybe you guys can expand as colleagues up here. It could get into a competitive thing if you have like a split commission in the future. Like our commission is going to completely turn over in two years. And now you have kind of a public fight to get a voting bloc in place versus just letting the state handle it. Are you opposed to changing the language if we decide that was something we want to do hear?

Robert Burns: I am not set in stone on it. But, let me give you my rationale on my thought process. It kind of goes as to what Ms. Rogerson brought up last time. Having it done at this level as opposed to the state, say the Governor was to make that appointment, and right now if I remember correctly, Governor DeSantis won by less than .5 percent, or something like that. But, not in Brevard County, I think Andrew Gilliam had thirty percent of the vote here.

Sue Schmitt: Could you speak into the microphone?

Robert Burns: I am sorry. I think Andrew Gilliam only had thirty percent of the vote. So, if Andrew Gilliam had become the Governor, and he was making that process, it would not be an accurate representation, or fair representation of the constituents in Brevard County because he was not majority elected in this county. But at the County Commission we won't have that issue because each district was elected by their own 100,000 or whatever the number may be individuals. So, that is why I think it is better to have it down here at the County level, and it is also done in the Sunshine. At the state level there is no Sunshine. So, there is no discussion about it, no visibility on the process, there is just an announcement made. I think at the county level we can at least have people say, hey I want to try for it. And then the process is laid out right in front of everyone. There is an opportunity for public comment. To speak about things that people may or may not know about individuals that are applying for the position. And, they have a chance to compete. It is an elected office, so people should at least be able to hear, you know a campaign so to speak.

Vic Luebker: Mr. Chair, thank you so much for that. If you want a discussion fine, but that gives me the clarity I was looking for.

Mike Haridopolos: Mr. Moore?

Kendall Moore: Mr. Chairman on that same point Mr. Luebker brought up, I had a same or similar concern, but I think Mr. Burns kind of referenced it early on. That the overall intent of his proposal was to make sure that we did not end up with an empty seat for an extended period of time. I think you saw it in Palm Bay, you saw it here, but primarily at the county commission scenario, you have no mechanism to compel the Governor to do it. And so, even if you leave it in his hands, you have absolutely no mechanism to make sure that it gets done. It is the Governor's choice. He can or, he or she can or can't at their own will. So, I like the idea of it coming back to the county commission in the event that it does get done. I don't know if there is a way to prevent, I don't know what you call it: political tribalism, for lack of a better phrase, but having it in the hands of the county commission and making sure that the empty chair lasts for the least amount of time possible, is what was important, and that is why I thought that Mr. Burns proposal had some merit.

Mike Haridopolos: Ms. Schmitt.

Sue Schmitt: I agree with that. I think it is really important looking at your proposal as far as the timeline. If it was 120 days it would be 4 months. And then 30 days before that, and that would be for a special election at that point. Up to 4 months, because then it would go to the commissioners, but my concern is because you have 30 days just to qualify, and let's say it is 5 months, and then you have 30 days before qualifying you are down to 4 months before a primary at that point. I just think that elections are really expensive, but I think there is a better way, perhaps it is the county commission appointing. I mean, I understand your concern with the Governor. I think a lot of people have that concern that did not occur. And, the people in that particular district at this point don't have a commissioner. So, I do think something needs to be done, but I think the special election you are looking at is going to cost a lot of money, in a very short time. And, that person may also if they want to run for commissioner at that point, they would be going through a special election perhaps at the same time they are going through a primary. So, you are talking about for the taxpayers, a double whammy really.

Robert Burns: I think listening to your feedback, I tend to agree with you. I think that having the appointment and the process that I tried to outline, I don't think it is perfect, but that is just my thought process on how to do this, is almost an election in and of itself. Because at least it is not just them anointing and appointing someone. There is some process to it. People submit their qualifications, a little bit of debate for those that are applying for the position. So, I think if we have to get rid of the special election, which I am okay with, I think that the appointment process that I outlined is a good caveat, or supplement for that.

Mike Haridopolos: Others? Blaise you are recognized.

Blaise Trettis: Thank you. I just wanted to point out that I see a potential real problem with the appointment process, and that is if there is a vacancy that means that there are four county commissioners who will be voting. Your proposal says that if more than one person received the highest ranking, there shall be a vote of the county commissioners

and the winner is by majority. Well, two to two, there is no majority. So, what happens then in the proposal?

Robert Burns: That is why I tried to make the scoring 1-10. I think that for the normal boards it is 1-5, but I left it completely subjective. 1-10 those numbers could mean something completely different to each commissioner. And the purpose of that was to decrease there being a tie. I don't know specifically how to address the majority portion with the 2-2 if that were to occur. I think it is unlikely to occur, but it could occur, and I don't want, I haven't thought about how to rectify that. I don't know if there are a Robert's rules for it or anything.

Blaise Trettis: Rock, paper scissors.

Robert Burns: Yeah

Mike Haridopolos: Let me interject here. We have a proposal number 17 and we are going to talk about that today. Mr. Tomboulides, you have taken a lot of your time on these kinds of issues about term limits, and how we do this. I think a lot of us would love to get your opinion, if you wouldn't mind. We are kind of trying to find a middle ground here where a person doesn't get appointed or selected. It seems as if it sort of bleeds into your issue, if you want to take a stab at it, or if not, I respect that too.

Nick Tomboulides: I could not (inaudible)

Mike Haridopolos: Okay, perfect, no problem.

Vic Luebker: How about this as a thought. If we are in that situation, hypothetically, hopefully we won't be, but if we are, and it is a 2-2 split commission, and they can't get there, kind of the same thing Blaise is saying, is my concern, but then we would punt to the state?

Robert Burns: I don't see an issue with it. I don't know if there is another alternative to it? I think only elected officials can vote on it, so I wouldn't say like the county attorney or county manager should weight in, so I don't know what the other alternative would be. Unless we treat them like a hung jury and we make them keep going

Vic Luebker: What do you guys think about that?

Tom Jenkins: Mr. Chair? If you were to use a point system as he describes, the likelihood of having a tie is considerably less, because you are assigning points, based on what he is proposing. You are ranking them by points. So, you are not just nominating this guy, I second

Vic Luebker: I think we are all trying to skin the cat, and there is more than one way to do it.

Mike Haridopolos: Yea, I think we are still pretty far off field on this. I know that watching some of these bid contests going on, that when you rank someone 1-10 and you want to nuke somebody, you give them a 1, and suddenly the person who might be the second or third choice wins because they got 5's and 6's so...

Tom Jenkins: Very valid, very valid

Blaise Trettis: I just want to point out that I think that is true because if two county commissioners wanted one person they would give them tens and the others zero's and if the other two county commissioners wanted someone they would give them tens. It could be a tie. So, I think it is actually more likely than people are saying right now because of that scenario.

Mike Haridopolos: My only two cents, is that like it bleeds into about the term limits issue, if there is less than two years left and we really don't have an election to go from, then maybe you throw in that the Governor has ninety days to act. If the Governor chooses not to act after ninety days, that the county commission has the authority to select a person. I would also like to throw out there, because I like term limits a lot. Because that person who is selected, can't run for office that next election. You would have kind of a pure person in there as opposed to having the advantages of incumbency etc., but that is throwing a lot of variables at something. Just like I have kind of tabled this issue like two meetings now. It is a pretty unique idea, and I just want to make sure that we understand the variables that are there. I actually think the Governor made the right decision by not appointing someone yet, because we were so close to an election time. And, whoever was appointed would clearly have the upper hand in an election this fall. So, again, I am open to all ideas. I just want to throw that out there. I just think that I would like to give the Governor the first shot at it, whether it be Republican or Democrat, that is something that is in the law today. And, if they choose not to act and there is substantial time left in the term, I think it is well within the bounds of the county commission, so they have an unequal number of votes, so you don't have this constant tie. We also recognize that as Robin and Sue and others can tell you that on the board that you need supermajority votes often time, and in this case with only four you need a unanimous vote in a lot of these cases. So, Robin if you want to add.

Robin Fisher: I actually got appointed by this process in the 90's. It was done by the Titusville City Council. A city councilman had resigned, Dowling Davis. You could, I think, say it had to be unanimous decision by the commission. If you have a unanimous decision by the commission, and if you don't punt it to the Governor. I think in that case these commissioners would get somebody, I don't think they want to punt to the Governor.

Robert Burns: Right, I think then at that time we would have done everything that we can to fill that seat in the most representational way as possible. If the county commission can't come together, and you know vote on it to fruition, then I guess the only recourse we would have left at that point would be to send it to the state.

Robin Fisher: So, I wouldn't make it a majority by the county commission. I would make it unanimous by the county commission.

Vic Luebker: And if they don't, then we go to ballot Mr. Fisher? Is that your thought process?

Robin Fisher: Yes.

Vick Luebker: Okay.

Gabriel Jacobs-Kierstein: Or supermajority maybe 3-1?

Robert Burns: That I am not clear on.

Gabriel Jacobs-Kierstein: What that would entail?

Robert Burns: With the 3-1 or is it 4-0 or is it still being debated?

Gabriel Jacobs-Kierstein: I like the unanimous thought.

Mike Haridopolos: So, the proposal we are looking at now, I just want to make sure that I am listening, is it that the Governor would have first shot, or the county commission would have first shot to fill the vacancy?

Robin Fisher: County Commission.

Mike Haridopolos: I would rather bring that to a vote first, okay so county commission or the Governor first shot? The second one would be of course, it is my opinion, is the Governor gets first shot, and after x number of days, the county commission would get a shot if the Governor chooses not to appoint. That is another part. And then the third part would be when does it kick in or does it even happen. Meaning is it two years or less, I mean is that what we are all kind of agreeing on? Because if there is a vacancy with more than two years, you have a special election during a regular general. So, I guess would be that mark two years or less mark. So, I think the first thing we would want to have a debate on, of course is Governor gets first draft pick, or the county commission gets first draft pick? And if the county commission, according to Robin's idea, which I think is a good one, either a unanimous vote, or supermajority vote would pick. And, if they don't pick, then the Governor gets the shot. Is that what we are talking about here? Ms. Rogerson?

Marie Rogerson: I would just like to state for the record. I think you have good intentions here, in trying to resolve, in my opinion solely, what is a minor problem. For me, we can discuss the particulars, put them all in order. I am going to be a no on all of it, because I think it is not a big enough problem to take this complicated thing and put it on the ballot in front of the voters. To me, it is just not worth the problem to me, it is not significant enough for me, we can discuss it, but I am a no.

Mike Haridopolos: I am just trying to keep the conversation going.

Marie Rogerson: Understand.

Mike Haridopolos: Because today, remember there is only twelve of us. If three say nay, it is history. You are a nay?

Blaise Trettis: No, I was, (laughter) I might be a nay, but

Mike Haridopolos: I might be a nay as well, I am just trying to keep the conversation going. Mr. Trettis, go ahead.

Blaise Trettis: I just want to point out that the current charter is that there is a special election if it is more than one year in office, not two.

Mike Haridopolos: Okay.

Robert Burns: And just to, Ms. Rogerson's point, and I definitely appreciate her opinion, at the county commission meeting we had on Tuesday, there was a constituent that came up and voiced those same concerns. That he was a Merritt Island resident, and that they are making decisions that, and he doesn't have the representation. So, it is how people feel about it. I don't 100 agree with her. It can be something small, especially if it is not your district, but to other people it is extremely important, so.

Mike Haridopolos: Again, where ever the conversation wants to go. We can change it from one to two Mr. Trettis. Again, whatever you all want to, I don't want to stifle the debate at all. Mr. Neuman?

Tom Jenkins: Can we just poll to see how we feel about each of those issues you mentioned?

Mike Haridopolos: Sure, be happy to. Let's finish the debate on that, and then will be happy to vote, I think that is a great question Tom.

Dave Neuman: Thank you, I definitely do think it is a worthwhile thing to talk about, especially on switching it from one to two because at some point, we do have to create some mechanics in here. They just kind of left it way broad and wide open. Especially Chairman Haridopolos' thought. We would at least have to give the Governor that first bite at the apple, because I do believe we should be deferring to statute, Florida Statute, and then from there if they are not going to do it, we have two years now instead of one. Because at this point, as a representational way, there really is no one getting representation, so if it were two years out, I think it would be absolute chaos, and anything can happen in these cases, we have seen it already happen. I would really hope we go through those processes to actually vote for each individual thing, and basically create something to solve this problem because I do think it is a legitimate problem.

Mike Haridopolos: Others?

Kendall Moore: I thought you might go one by one. I think Tom's polling idea was a good one to kind of figure that out. But, to Ms. Rogerson's point, we have seen two or three issues. The one was not having a voice, you referenced that. The second one which you saw in Palm Bay which could be the case in the county commission, you have the challenge to legally define what constitutes a supermajority. Which I am not even sure if that question is still even clear as of today, and that has been going on for several months, and may be decided by litigation. And, last but not least, for those of us in the room that are involved in some of these quasi-judicial processes, if you end up in a 2-2 tie, in a development project, that means you are going to sit on the sidelines for a year, before you have the ability to bring it back. So, I think there are significant potential consequences out there for only having four members rather than five. I do think it is an important one. I would rather see it be local rather than the Governor first, self-governance first, before it makes its way to Tallahassee. If the self-governing entity fails to take the action, then I would think it would be open for the Governor, but I would rather see it in the county commission first, rather than the. For somebody that appears before

elected bodies, supermajority's are hard enough, to get every single one, I think it is going to be going to the Governor most every single time if we set the standard that high. Not opposed to it, but I think the reality of it is getting all four on the same page on an issue of filling a vacancy is going to be a very difficult scenario. And, so even though I prefer to keep it local, I think requiring a unanimous vote is going to send it to Tallahassee quite often. Because getting four on the same page, I think would be a great challenge in this scenario.

Marie Rogerson: Mr. Chair, I have a really quick question. Just to clarify. I think there is absolutely significant consequences, my thing with the size of the problem is how often this occurs. So, is anyone on staff able to tell us how often we have had vacancies on the county commission?

Jim Liesenfelt: I can go to 91, it has been zero. Mr. Jenkins and Ms. Schmitt might know more.

Tom Jenkins: One time, I think, truthfully.

Jim Liesenfelt: Well I meant zero, other than this occasion.

Marie Rogerson: It's not that you can't have huge complications when you have them, but again, that is my point.

Robert Burns: We have been blessed to not have this occur, but we have this resignation, but we have two candidates right now that are very seasoned. You know things can happen very quickly, especially if they are running for two different seats, and we could potentially have two vacancies on the county commission due to health reasons, or what may have you.

Dave Neuman: I just want to, because I forgot to mention that part and I appreciate Mr. Moore's comments, and I want to endorse them. Particularly on the part – I lost my train of thought. It was on the part of the super majority. Unfortunately, I like to call balls and strikes in politics. I am in partisan groups, but I like to keep it level. Unfortunately, we are entering a time where things are more partisan, and there are less people working together. So, if you are trying to get a super majority, and there is one person that could derail an entire two- years- worth of county commission business. That is an opportunity that I would not like to happen. I was hoping we would not go for a super majority. I would want to see what a simple majority would like, three, I would want us to endorse and do that.

Mike Haridopolos: But to clarify, the governor gets first shot?

Dave Neuman: yes.

Mike Haridopolos: Vic and then Mr. Kierstein.

Vic Luebker: this is what I like about Mr. Fisher's proposal. It makes all four commissioners put the good of the people first. If they can't get together, the four of them and find a qualified candidate they agree on, then we know that there is politics at play and we punt it to the governor.

Gabriel Jacobs-Kierstein: In that vein to make it complicated too, if it goes to the governor first and it comes back to the commissioners and there is this concept or concern they are not going to be able to come up with something and it is unanimous, what happens if it is unanimous and that is the rule and they can't come to a conclusion? Does it go back to the governor? How would that aspect work as well? Maybe I missed something. So, I think –

Mike Haridopolos: So, you're saying if under the theory that Mr. Neuman likes and that I may like, is that the governor gets first shot. The governor doesn't select. The county commissioners can't select, so where does it go next?

Gabriel Jacobs-Kierstein: Because it is unanimous, yes. Because the rule is, they can't conclude. It is 2-2 or 3-1, whatever the case may be. What happens then?

Robert Burns: I think at that point you have no choice, but to have a special election.

Gabriel Jacobs-Kierstein: We all become commissioner. No, just kidding.

Robert Burns: I think the people have to decide it with a special election.

Mike Haridopolos: But right now, if we do nothing and it is more than a year to Mr. Trettis' point, it is a special election. We could do nothing and that's looking really strong right now.

Robert Burns: My main point is that the governor -- the state gave the county this authority, and we gave it back. The will of the state is that we make this decision. For some reason we gave that back to the state. And I just don't think that -- I think they are trying to let us govern at the lower level. The people here would appreciate that and it creates the sunshine issue. There is no sunshine what so ever in the appoint meant process. I think people will feel more comfortable knowing how this person representing them came to be.

Robin Fisher: I think it is a lot less political. I think the governor's point is very political. We are watching how the candidates came up through this being considered now and what are we 90-120 days since commissioner Lober left, and it doesn't look like the Governor is going to make an appointment. I know there are other appointments around the state waiting for the appointment of the commission and it hasn't happened. Local commissioners will have a better pulse of Brevard and who can fill that seat than the governor would also.

Mike Haridopolos: Anybody else? Mr. Jenkins.

Tom Jenkins: I would go local first and governor second. I would go with the simple majority.

Mike Haridopolos: No point system?

Tom Jenkins: No. You ruined that.

Mike Haridopolos: just making sure we are all aware of the points. Let's, it might be moot as well, but let's at least go through the process and see where we go. The first question and we will call the roll. Do we want the governor to have the first shot or the county

commission to have the first shot at a vacancy for the county commission? Does everyone agree on that? We'll give the local option first. If you are in support of the local option say yay. If you are in support of the governor's option say nay and we'll see where the votes go from there. So, Melissa if you can please call the roll on yays and nays. Again, the locals first, not saying majority or unanimous. It is just government or local government. Is everyone clear? Please call the roll.

Melissa Brandt:

Robin Fisher: for local, so a yay.

Kendall Moore: yes.

Marcia Newell: yay.

Mike Haridopolos: nay.

Marie Rogerson: I will abstain because I don't like any.

Paul Gougelman: I am sorry, you can't abstain.

Marie Rogerson: I can't?

Paul Gougelman: Under Florida law, you can't do that unless you have a conflict of interest.

Marie Rogerson: I don't so I am a nay.

Blaise Trettis: No.

Gabriel Jacobs Kierstein: Yay.

Tom Jenkins: Yes.

Sue Schmitt: yay.

Jordin Chandler: Yay.

Vic Luebker: Yay.

Dave Neuman: Nay.

Mike Haridopolos: Okay, so we will go with the locals first according to that plan. And now the next step on that would be what would it take for the locals to move forward? Would it take a simple majority of the commissioners present? That means three in this case or is it a unanimous decision? Anybody have strong thoughts on unanimous versus simple majority? Not all at once.

Robert Burns: I may be mistaken, but every municipality does it in this manner and I think they are all by simple majority.

Mike Haridopolos: So, it takes three out of four in agreement?

Unknown: Seems more consistent.

Mike Haridopolos: If it is a tie then it goes to the governor. all right. I know you brought up the idea of a unanimous vote.

Robin Fisher: I am okay with simple.

Mike Haridopolos: Anyone object to simple majority on that? So, it would be three out of four votes to appoint for the remaining areas? Anyone object to that? So, right now we are at the local government, a simple majority, and can this person run for office once being appointed by fellow commissioners when the term expires? We have a term limit issue and given the debate we had last time, it sounded like we didn't want to give anyone more than eight years or face the consequence.

Robert Burns: I think what is happening, I have been following what is happening in Cocoa Beach they made an appointment for their vacancy for Mr. Martinez there, and one of the things that was brought up it was that same issue. Can we make this person promise they won't run? They can promise all they want to because it is not enforceable. They will meet the qualifications. Their attorney said, well, just make them go on the record saying they promise they won't run and if they do the voters will know that. I don't know if we can prevent somebody from running. We can say they shouldn't.

Vic Luebker: I agree.

Kendall Moore: Let me ask you, and I am not necessarily in favor of this. I am kind of hurting myself, but Mr. Gougelman, couldn't you -- you certainly can't take that promise to the bank, but couldn't you by charter make a person appointed by this process ineligible?

Paul Gougelman: yes.

Vic Luebker: Could we do it with this measure, it could be wrapped up in this?

Paul Gougelman: yes.

Sue Schmitt: [inaudible] big mistake.

Kendall Moore: I am not a huge fan of it, but we are counting and if there is more than three people here that don't believe in this, it will go south pretty quickly. I think that's what Mr. Haridopolos' point was a few minutes ago. Trying to find common ground that will ultimately work.

Mike Haridopolos: yeah. I am trying to be consistent with the term limits that we debated at length last time. Again, I am game either way. The whole point is having an honest discussion about where you think. There is a lot of experience here and I want to make use of that. Because you all see this on the local level for many years before f me.

Tom Jenkins: The one point that Mr. Fisher made earlier, if somebody is here for three or four months, they are just beginning to learn the ins and outs. I just don't know how productive they will be if they are denied the opportunity.

Sue Schmitt: I would like to speak as a previous commissioner, and so was Robin. I was on the city council before that for two terms, and Robin was on a city council before that. You learn a lot by being on the city council first and understanding budgets and solid

waste and water, sewer, whatever. But, to me it does take -- when you get elected as a commissioner, I don't care if you have been on the council or not, it takes time for you to learn what it is about and I think to say you can't run, and yet that person has only been on there for three months. I think that is -- in fact, it really is costing the tax payers money at that point. To me if it is like so many months, leave it vacant. If there is 2-2 and things don't pass, that's the way it is.

Gabriel Jenkins Kierstein: My only concern is it is going to stifle good candidates from coming in. Those who are duly qualified are not going to want to be appointed and then not be able to run as well. So, there is that concern and I think if they are doing a good job, they are elected and if not, they will definitely not serve a second term. And maybe we keep it under a year instead of the two-year mark, and that balances that out a bit too.

Marie Rogerson: I have a question. If the argument is that you need to be in the office for a while to understand how to do the office, yet, we are trying to get someone in the office to do the job in a brief period of time, are we not saying that they would not be qualified to do the job we are trying to get them to do right now? It doesn't make sense to me.

Gabriel Jenkins Kierstein: something is better than nothing is the side of it. Yeah, that's a good point.

Mike Haridopolos: Again, I will re-hash, I will give you both sides. I lived it on many -- we talk about the Marco Rubio example last time. He won a special election and he got more than his term limits, right? I think the other one is getting to your point Gabriel, and if someone -- if there is -- if everyone is anticipating an election, and the person is toward the end of the eight years and there is an election gearing up so to speak and Tom and Mary and Sue and Bill are all running and the person leaves office for some reason and a person is appointed, that is a huge advantage for running for office when you are the incumbent and suddenly people are best friends and contributions and so forth come in. So just recognizing and going back to the term limits the debate we made last time which is understand what we are walking into. If you provide this opportunity you are letting the establishment pick their person and I think we all recognize 95% of incumbents win and that's for obvious reasons. Just putting it out there. You can see the pros and cons of both sides. This is an interesting issue and we must decide do we even take it up? Because with one year less know we can move forward. Wherever you all want to go. I take it that you guys are okay with this person running for office?

Blaise Trettis: I am not. I would rather that they not.

Marie Rogerson: I am with Blaise. I would rather they do not.

Robert Burns: I was mistaken when I came to speak on the term limits. This was Palm Bay's City charter. If you are appointed the partial term, the term counts for two days or three or four years. If you are appointed, you just got rid of one of your terms. You are filling a full term no matter how long you are there. In the case of the county commission.

Mike Haridopolos: Okay, so what is on the table is local, choice first, and the ability to serve out that term with a simple majority of the county commissioners saying yay -- if there is two years -- two years or one year? Because right now it is one-year, right Mr. Trettis.

Blaise Trettis: Yes.

Mike Haridopolos: So, right now if there is two years or less they would have that ability. Is that what you would want to vote on today, or do you want to think about it for next time. It is whatever y'all want to do.

Dave Neuman: I would consider waiting until next time so we could get two more folks in here just to get their opinions as well.

Mike Haridopolos: Yeah, I think if there is a vote on this and I think it will go down, just so you know.

Vic Luebker: I also would like, if Paul could work with this a little deeper from the perspective of what state statute out looks for. If we are locked in by the state, you have to do what state says. Am I wrong?

Paul Gougelman: That's true. If you are locked in by the state, I don't think you are, but I can look into that further.

Vic Luebker: can you look into that for us?

Paul Gougelman: I will.

Mike Haridopolos: What do you mean by locked in?

Vic Luebker: What does the state statute says, because I don't have that, I haven't read that yet. So, yes, I need more time.

Mike Haridopolos: When is our next meeting? August 4th?

Paul Gougelman: It is supposed to be our last meeting. Supposed to.

Robert Burns: We are not reinventing the wheel here. I need to go back and look at have other charters.

Mike Haridopolos: Has the staff looked at the other charters on this?

Jim Liesenfelt: No.

Marie Rogerson: I just want to make a quick clarification, so that I am not misunderstanding something. Our current charter says if there is more than a year left we hold a special election, correct?

Robert Burns: Correct.

Marie Rogerson: If it is less than a year, that's what we are talking about here. It sounds like the whole charter commission doesn't like the idea of somebody getting appointed in an election season when there is probably already people running. So, we are talking about a 6-month period of time. This is the issue we are discussing. For six months why

are we hashing this out and giving it to the voters? If it is not broken, don't fix it. It happened once. That's my stance.

Kendall Moore: Mr. Haridopolos, did we lose you originally when it became was local control, or is it the greatest concern about the ability to have the opportunity to run after being appointed?

Mike Haridopolos: Well, you had me at all those points. My take on it is where Ms. Rogerson is, is where if there is less than a year left and I like the idea where there is a caretaker. I would like someone to be appointed as a caretaker and let the elections fall as they wish. I recognize because I was in the legislature that it took me awhile to figure out how the process worked and the voters would have a true kind of say on who that next commissioner is going to be having a huge advantage over those folks who wanted to run. They could be picking a winner in a race that may be going on. I won't name names, but if someone was selected, they are the incumbent, it is free name id from the newspapers and the lobbyists or interest groups will give that person money, and is it worth it for six months? I believe strongly in term limits. I don't want it to give that upper hand. So, I am comfortable with saying if the governor is unwilling to act, that the county commission moves forward. I want to see them do it as a caretaker and they are not going to pick a novice who has never been in politics. My guess is it is a former commissioner, city commissioner. It could be somebody deeply involved in politics who always attended the meetings. I would have no problem. In that vein, and I wouldn't want to make a person pledge and they would come in and you know they are capable and they can hit the ground running and the election would be held in six months. I think that's the most logical way of doing it. That's my long-winded opinion to your good question.

Robert Burns: I understand.

Mike Haridopolos: That's where I wanted to go with it. I don't want to see that person get that upper hand. People are geared up to running. And to Mr. Trettis' point, we know there is a true election going on. Unfortunately, if that happens, we have the gap because it is qualifying. You will lose the three or four months because of a special election. Sorry for the long answer, but I can see it as that way and we don't have to tread on the strong opinion that voters do have more than anything else in the county that I recognize as term limits. They strongly believe in those. I think the poll numbers you spoke about are accurate and I would rather not go that route. I am happy to vote today or we can wait and vote next time.

Robert Burns: Whether the county appoints or the commissioner appoints, there may be a way to solve this plus and the you can't run next time is that in order to still qualify to be appointed you have to be a county commissioner who termed out or somebody who has been a county commissioner. At least for one term. So, if they are appointed they can't run because now they are termed out for the re-election.

Vic Luebker see how we do this? Every time we hit a bump in the road.

Dave Neuman: and I would be qualified to fill that seat. I think somebody could argue that they are allowed to be considered by the county commission.

Blaise Trettis: My thoughts are that these are good ideas and they are being discussed. But for me to vote, I need something in writing as it will appear in the charter. Next meeting is the last meeting. I recommend you come with a final version because just talking is not going to work next meeting. I won't vote for anything unless it is in writing and I know exactly what I am voting for, so that is just my suggestion.

Robert Burns: I will do my homework with the other charters in the county -- or in the state.

Mike Haridopolos: I am sure staff will help in that effort too. Ms. Schmitt, did you have a question?

Tom Jenkins: I was going to say, you make a persuasive argument, the caretaker.

Gabriel Jenkins Kierstein: And now that you brought that up, the caretaker knows what their role is going to be. They know they can't run. It is fair to them, and ultimately it is not barring them from running in the next election after that. Is that the way I understand it?

Mike Haridopolos: I don't think it will bar in the future. We are not putting any bars on it. They are going to serve out this term and they are ineligible some way some- how to fill that spot. Can we do that, Mr. Gougelman?

Paul Gougelman: I think you probably can. One thing I would comment is whatever you all come up with, we have talked about a lot of variables here. I think if this thing becomes too complicated, it is going to go down in defeat by the voters, because the voters are not going to understand it. I would say follow the kiss rule, keep it simple stupid.

Mike Haridopolos: Mr. Moore, did you want to add in that discussion? I know you worked with the county commission a lot. I would love to get your opinion on this.

Kendall Moore: Based on Mr. Trettis said, a motion to table is in order. I think we have gotten quite a bit down the road and appreciate your indulgence in our spirited discussion and we can all count if we vote right now it will go south. Three people have been clear about where they stand. So, an opportunity for Mr. Burns to see if he can come up with something that would be suitable for 10 members would be in our best interest.

Vic Luebker: I will second the motion.

Mike Haridopolos: We will table that and see how it works out next week. Again, this is the last meeting next time. To your point, Mr. Trettis, we need something on paper we can say yay or nay to. Hopefully all 15 are here so three people don't automatically decide it.

Robert Burns: I completely agree with Mr. Trettis. I will get a good product out here, and I will have it before the meeting and send it out so everyone can take a look at. It I just want to say I appreciate the dialogue here. think this is a bunch of smart people and it has been an effective conversation and I learned a lot today myself. Thank you.

Mike Haridopolos: We will move to the next agenda item. That is number 17 on term limits.

Proposal 17- Term Limits

Mike Haridopolos: Welcome back.

Nick Tomboulides: Thank you, Mr. Chairman, and after that great, spirited discussion, how can I not weigh in at least a little bit on that topic? I would just say that there is an important clarification between what you proposed and what I am proposing with term limits. I am saying if you have served eight years as a county commissioner, you should not be able to run for county commission again. What you are suggesting is that someone who has been appointed to a partial term of -- I wasn't sure where they drew the line. Whether that person can run again immediately regardless of whether they have ever served on the county commission before. I definitely agree with that. The caretaker is a good idea you are putting a check on those advantages of incumbency. You are not allowing appointing to become anointing. I just wanted to make sure that we knew the difference.

Mike Haridopolos: Two different ideas.

Nick Tomboulides: Two completely different ideas. Both is to check incumbency. That checks temporary incumbency and this checks incumbency on steroids. Let me tell you what happened since the last meeting. We went back to the drawing board and I met with my own attorneys about this, and we addressed some of the concerns that y'all had. I know Mr. Gougelman had raised the point that we were opposing an amendment to 2.4 to create term limits for the commission. We were not reflecting that in 2.5. So, the first change that we made is we incorporated by reference the changes in 2.4 to section 2.5. You now have consistency between those two sections of the charter. We created limit on elections over service. That's something Mr. Oliver brought up and that would help prevent gamesman ship and it would also ensure that those who are appointed to a very short-term were elected in a special election of fewer than two years would not then only be allowed to run for one additional term. They would be allowed to run for two additional terms. I am not sure how the commission feels about that and if you think partial terms should not count at all, there is an option to strike that. If you think that any partial term should count as a full-term, you can make that adjustment as well. The option is there for you. We have addressed Mr. Luebker's concern about partial terms. If it is a 2 plus-year it would count as a full term. You would only be allowed to run one more time. If it is less than half of a term you can run two additional times. We cleaned it up and we have made those adjustments which I think reflect the concerns and I would be happy to answer any additional questions you have.

Mike Haridopolos: and I would just say that is consistent with the Florida house and the Marco Rubio example I gave earlier, I think is in line with what you are talking about. Questions? Blaise.

Blaise Trettis: First of all, a comment. The last meeting, regarding gamesmanship, I thought the games men ship was if somebody resigned and then trying to defeat the term limits by doing that. What was not discussed was I think that the games man ship problem was taken care of in the existing language of 2.5. It says but for resignation would have served. So, I think that the gamesman ship problem is taken care of by the current

language in the charter. That's the comment. The concern I have with your proposal as written is that a county commissioner who is elected in a special election with, for example, three years left in office would only get to serve a maximum of seven years under this wording. Even though they have been elected twice. I'm for term limits, but I am also for someone being allowed to serve eight years and not less. This wording would prevent a person from serving even eight years. They would do one term and then only get another term. I have a problem with that. I go back to what was suggested as an alternative at the last meeting which is simply put the word "full " in 2.4 and 2.5 to make it two consecutive full terms of office. The only difference to that is if there is -- you would serve -- you could serve 10 years and one month as a county commissioner. If there is two years and one month left at this special election because then you could run twice. But it limits it to seven.

Nick Tomboulides: If there is two years and one month left you would not be allowed to run two additional times. It is fewer than two years. The maximum you could get is 10 years. What is the bigger injustice is it to allow someone to serve seven years because they came in with a special election and they got three years and got one additional term? Or is it to not count the partial term against the limit which would then allow them to serve 11 years? What is worse in terms of careerism and incumbency and allowing somebody to monopolize that office?

Blaise Trettis: I think it is not up to the person to monopolize it. It is not their doing. You should get to serve eight years, no matter what. I error on the side of doing 10 years because you can do 10 years anyway in your proposal. Well, 10 years is the max under your proposal. What is the difference between 10 and 12? I like to going to 12 instead of limiting someone to 7.

Nick Tomboulides: I don't know if you are referring to the original term limit proposal, but it would have enabled every single person to run for county commission to serve for 12 years, whereas by contrast this proposal would only allow people who are -- who win a special election at an opportune time to serve 10 years. This is a policy that would just be affecting very limited circumstances. Where 99% of commissioners would get eight years.

Blaise Trettis: I understand your proposal no matter -- the first wording and this wording would prevent someone from running two terms and then sit out and then two more terms and do it infinitely, I understand that. I prefer an alternative that does not prevent -- or does not result in a county commissioner being elected twice and only serving seven years in office, and that is what your proposal does. I think by adding the word "full " in 2.4 and 2.5 solves the problem, and it only adds up to two additional years to your proposal.

Mike Haridopolos: I have a question, if you could. How does it apply right now with the 22nd amendment? If president Biden doesn't make it through this year and Kamala Harris becomes president, can she run for two full terms? How does it work?

Nick Tomboulides: My understanding is that she would be able to run for two additional terms. I mean, the only incidents I heard about was the LBJ situation where he was -- he had come in office when JFK was assassinated. He served the remainder of the term and elected that one, and then was on the ballot to do a second full term, but then he dropped

out because he got demolished in the New Hampshire primary. I would definitely want Mr. Gougelman to confirm that, but that was my understanding.

Mike Haridopolos: There is a year left in President Kennedy's term, as you know. If they were in there to the question we are dealing with right now, those extra two years, right? I don't know the answer. But the second question I had, would this apply to current commissioners? John Tobia is going to finish out his second full term. If he wanted to run for the county commission in two or four years, could he run again?

Nick Tomboulides: My understanding of it, is the objective is to create a lifetime term limit of eight years. My understanding is upon the effective date of this amendment, which would be its passage, and it would apply to those who would go on to serve. So, Tobia would not be eligible to run again.

Sue Schmitt: I would like to speak to that issue too. When the county had a run on the ballot to go to two terms. At that point the legal clarifications were that anyone that was already serving could run another two terms. Some of those, one commissioner in particular, but I won't mention who, I was in their first term. And then they ran for two more terms. They served 12 years. I happened to be there before that and I served 12 years because there were no term limits. The last year I was there it passed on the ballot, but it was determined that they were grandfathered in at that point.

Tom Jenkins: The legal staff said they were progressive as opposed to retroactive from this point forward as opposed to going backyard.

Mike Haridopolos: I thought they would be eligible. The impression I had was now it starts. If a commissioner who served eight years sat out for four would have a chance at it. I don't know if we can say, sorry, guys and gals, you can never run for county commission again. I don't know if that helps. I would think that they would get another shot.

Nick Tomboulides: As I made clear, that wasn't the intent. Legally we are constrained by that. I would want to go back and look at the original referendum and see if there was a specific grand- father clause if that. Sometimes when we adopt a term limits law in a different jurisdiction, if we want to grandfather in the current incumbents we need to pass a grandfather clause. There is nothing stopping us from going after the ones who have served.

Tom Jenkins: There was no grandfather clause. It was a legal interpretation from the county attorney.

Nick Tomboulides: So, it was a memo, but it was not litigated in front of a judge?

Tom Jenkins: Exactly. It was an opinion.

Robin Fisher: I think it went to the attorney general. Are we talking about Truman, commissioner, got to serve another eight years? You couldn't -- it didn't apply to him because it didn't go into effect. That's what happened, the same thing here.

Mike Haridopolos: And I know in the legislature in 1992 they passed the term limits. Everyone started as zero and then moved forward. I think that there is support for this, but

I want to make sure everyone knows what they are voting on and the variables that can take place.

Vic Luebker: The JFK reference to the 22nd amendment and here is how it is written in the constitution. JFK was assassinated before he had longer than two years left. It was November of 61.

Mike Haridopolos: No, no. He had less than a year left in his term. He was elected in 60.

Vic Luebker: Oh yes. Right. I stand corrected. The way it is written out, it says if it is more than two years you can only run one more time. If it is less you can run twice. That's how the 22nd is written.

Nick Tomboulides: This would mirror that language in the constitution. That's what I suggested on how to address the partial terms.

Mike Haridopolos: Under the amendment someone who fills an unexpired presidential term lasting more than two years is also prohibited from being elected president more than once. To answer our question -- we'll use today's occupants. Before the election this year if Kamala Harris becomes President of the United States she can run in 2024 and ineligible to run in 2028 according to the 22nd amendment. That's what it says here. So, if there are more than two years left they can't run for the second full-term. So, to Blaise's good question before about seven or others, the current US. constitution is the President -- the new President could not run twice for the presidency. It is just once. He would be limited. He wouldn't get the four years plus whatever is left.

Paul Gougelman: You could serve up to 10 years.

Mike Haridopolos: Up to 10 years, correct.

Blaise Trettis: I have a thought, an idea, a suggestion. I think -- I see this as two, I think, good proposals. I don't know where the vote would go. What I don't like the idea of is picking one and losing and it is done. Here is the way I look at it. The two alternatives are this proposal that could limit a -- someone elected twice to seven years in office. Another proposal is to add the word full to 2.4 and 2.5. And that person can serve two terms plus more. And under this proposal they could as well. I explained that. What I am thinking of is the commission be given the more restrictive version to vote on first which is this proposal. If it passes, it passes. If it doesn't then it goes to a vote on the other proposal that would allow a person serve up to 12 years instead of 10. I know that is a little confusing.

Mike Haridopolos: That makes sense. I get it.

Blaise Trettis: I just don't like the idea that you pick one and it loses and it is gone. When there is a more restrictive one and a lengthier one.

Nick Tomboulides: Can I make a point of clarification? When you say the proposal that would allow people to serve up to 12 years, are you talking about not counting a partial term against the limit at all?

Blaise Trettis: Right.

Nick Tomboulides: okay.

Mike Haridopolos: So, let's table this so that we can do a couple things. One is when we have all 15 members. I think that's to your advantage. And we can think through how we do this. As it stands now, the proposal is that a person, should they fill the remaining term more than two years they are limited to less than eight years. I guess to your point, Mr. Trettis, if the proposal goes down you can make an amendment -- actually what I would probably do is you probably want to have a vote on your proposal first. If it goes down the thing is dead. The way the process would have to work is we would take up your amendment which would be the more flexible one first. If that passes, that would take the place of the more restrictive one. That's food for thought for next time. Everyone knows where we stand and we just need some clarification for a couple things and we'll take it up for a vote next time if that's okay for you.

Nick Tomboulides: Sounds good, that is fine, thanks.

Robin Fisher: I have a question. You have me thinking. I will make the pledge that I won't run. Technically, I can -- I could run in 2024 and I served eight years already as a commissioner because you cannot -- I am grandfathered in to this new charter amendment, is that correct?

Paul Gougelman: I think what it says is in the charter currently is you can't serve more than two consecutive terms.

Robin Fisher: I served two consecutive terms. I termed out. I believe I could run again in 2024.

Paul Gougelman: For one term.

Robin Fisher: for one term?

Paul Gougelman: yeah.

Robin Fisher: Why one term?

Paul Gougelman: Because you couldn't serve more than two consecutive terms.

Robin Fisher: I am out.

Paul Gougelman: I understand that. I understand that.

Vic Luebker: He says you skip terms and then skip and reset the clock.

Paul Gougelman: The way I read it, you could come back and run for one term.

Robin Fisher: I don't know. I think -- I think Commissioner Scarborough shows you can run and it doesn't count at all. You are grandfathered in and I could run for two more consecutive terms.

Nick Tomboulides: This is a question of whether a new law adopted by the voters this November prohibiting someone from running for the county commission after they served two lifetime terms. Whether that would apply to terms that occurred prior to the effective

date of the amendment. My understanding is that it would, but we seem to be getting some

Robin Fisher: My understanding it wouldn't.

Gabriel Jacobs-Kierstein: Here is the question then, I guess. Could you put something in the proposal that says that it is meant to be retroactive?

Paul Gougelman: I don't think so.

Robin Fisher: It is not going to take effect the law takes effect. Go and tell your buddies I may run.

Mike Haridopolos: It is a clean slate. When I come back we can have Sue running and Robin run and it can be an exciting time.

Kendall Moore: Mr. Chairman, Mr. Fisher should be happy Ralph and Dave are not here today. That will be the charter review headline tomorrow. Fisher finds a way to run a second term. (laughter)

Mike Haridopolos: Press conference at 6:00. We'll table this.

Nick Tomboulides: And we'll get more information about the retroactivity and we'll have a final proposal. I will contact Mr. Trettis as well, and make sure we are on the same page with his wording.

Mike Haridopolos: And as mentioned, the way it works out with the language, we will have Mr. Trettis' vote first. Because that is the way you have to handle it, because you are taking up. If it goes down, it goes down. You will give your choice that way.

Paul Gougelman: Just a question of procedure here, I would like to ask, the charter review commission is in session for a year. When does their term run out because what I see happening here is we are moving proposals to our last meeting and we may have to schedule yet another meeting on top of that.

Mike Haridopolos: For the ballot language.

Sue Schmitt: I don't think we can't do that because we were already told that the county commission has to receive the proposals that are being moved forward. They have a date and then also the supervisor of elections has a date to be able to get it on the ballot. I don't think we can have another meeting after the fourth.

Paul Gougelman: That's where I am coming from.

Mike Haridopolos: You have to know before the fourth, right? We would need a meeting before the fourth and I think you have 10 days you have to give before a meeting for public notice? Do we have that or not?

Jim Liesenfelt: 10 days I know is for an ordinance. You can call special meetings and it will fall under the special meeting rule. That would be an attorney call, but I think 24 hours is, yeah, under the board.

Mike Haridopolos: okay.

Paul Gougelman: You are going to need more than 24 hours. You need at least three days.

Jim Liesenfelt: I'm sorry, Mr. Chair, you and I am paraphrasing, but you have to complete your business by August 12th under the charter you have one year from the first meeting. You can stay in existence through the election to monitor the election. The date you have is -- I just lost it. The supervisor needs it August 22nd. The board meeting -- the last board meeting is August 16th. The agenda will get published the Wednesday or Thursday before that meeting.

Sue Schmitt: And you have the attorney review panel that has to be sandwiched in there.

Jim Liesenfelt: and it has to go to the three-panel attorney, and we gave them a heads up on that. You all asked for three days and we told them about the three days.

Unknown: Could we do back to back on the 4th and then the 11th if we had to?

Jim Liesenfelt: If you pass something on the 11th, that's that would be for ballot language.

Jim Liesenfelt: That would be on Thursday. That's giving --

Sue Schmitt: The agenda is already out.

Jim Liesenfelt: Yeah. I mean, we would have something on the agenda, but nothing behind the agenda. It would be what you pass, but not the ballot language to be approved. Are you getting in the three-panel attorney 72 hours and they will have to turn it in on Sunday?

Vic Luebker: That keeps the attorney fees down.

Marie Rogerson: Could we move the August 4th meeting up? do we want to have it on the 28th? Is that possible?

Jim Liesenfelt: Oh, oh, we do have a require -- well, you have had -- that is an attorney question. You have to have a public hearing.

Mike Haridopolos: we have had the minimum number for all of these.

Paul Gougelman: I think you are okay. We had three public hearings.

Mike Haridopolos: So, we've got -- we tabled number 17 for next time. We are moving to number -- we are dealing with number 19 today, right, with the ballot language? That's our next item? Or do we want to go to Mr. Chandler's number 24? And then we will go back to ballot language next. Let's go to 24 and talk about affordable housing and the issues we have. So, Mr. Chandler you are recognized.

Jordin Chandler: Thank you. I promise to have you all out of here by 9:00 tonight. Let me first say that it is truly -- it has been a pleasure and honor to serve alongside each of you. All of you I hold in high esteem. I don't know if she's watching, but thankful to Commissioner Zonka for appointing me to serve in this capacity, and also being in support of this proposal. Over the course of the past year we received, discussed and deliberated

I think 24 proposals, since I am the last one. Some submitted by members of the public and some by the members of the commission. There are proposals we have agreed to move forward. And there were many moved from consideration. Nevertheless, I think each of us have showed up and served with a purpose even when I firmly held convictions that may have resulted in compromise. As we come to proposal number 24 this afternoon, I can unequivocally say that I have tried my best do compromise and raise the concerns with the proposal. At the last meeting there were a few concerns specifically dealing with the identified funding source that was requested of me to pinpoint and I would like to address a few of them quickly. There was a question about what county surplus property means. There is material I have been looking at that the housing coalition provided relative to the county surplus real property and how to dispose of it, right? It is simply real property -- real estate owned by the county or the municipality that has been determined to no longer serve a public purpose, right? Florida state statute 125.379 it requires the Florida county and municipalities to prepare an inventory list of lands owned within their respective jurisdiction and suggests methods of disposing of the lands for affordable housing. Considering the nature of properties that might be included in the surplus lands list, it is helpful to understand how such properties came to be publicly owned in the first place. There are several pathways including tax deed, municipal lien foreclosure, code enforcement lien, foreclosure and a direct acquisition of lands. They may also sell surplus land and purchase land for the development of affordable housing or increase public funds earmarked for affordable housing. Which then leads me to a comment made about the proceeds from a county surplus, real property sale and not being able to be diverted from the trust fund if the land was sold -- if the land that was sold was purchased by a particular department since they maintain ownership of the properties. I think some clarity needs to be provided here. There is something called colored money. This is a conversation I would share that I talked to county staff about as well as Mr. Gougelman. They are dollars that have requirements how they can be used. These are things like EELS funds, gas tax dollars, et cetera. So, obviously the proceeds of the sale of the land was purchased by the funding source and it has to go back from the pot it came from because of the strict guidelines. If that land was purchased using a general fund dollar, then there is nothing that says those dollars cannot be diverted to another fund. This policy can be shored up via the implementation of an ordinance. And number three, and I will touch on this document that Mr. Liesenfelt prepared for us as well, but there is a notion that if the dedicated funding source doesn't generate the amount of money that we think is required to properly fund this trust fund, then it is not a good funding source. Therefore, we shouldn't consider it. I would say I wholeheartedly disagree with that because if the numbers from the county and we have those numbers today only generated \$100,000, that is still \$100,000 more than we currently have, right? That could be dedicated to this particular fund. To put that in perspective for you, \$100,000 can assist four families in terms of the county's First-time home buyer program. So, there are many questions going through Mr. Liesenfelt's documents as he is listing parcels and properties that were sold over the past five years. There are portions of the document that can be diverted to the affordable housing or workforce housing trust fund. That revenue was 47,850 returned to the general fund and less fees. Bullet point number two would not be allowed to be diverted to the fund because that property was inched for drainage purposes. Number

three, the property that was sold to the sheriff with the expansion of Guss Hipp Boulevard, that went back to the trust fund and that can be diverted. The two parcels, public works road widening, those funds would not be able to be diverted to this particular fund because those funds were a local option gas tax. Number three, two court case special assessments owned and that revenue is 14,560 and it went to the housing and human services department. What I calculated here, that is a total of \$292,505 that could actually have gone to this particular trust fund. There are many questions and there will continue to be many questions, but let me just say this. None of us have a magic wand that we can wave and make this issue go away. None of us can even understand the complexities of everything that it takes to address this affordable housing crisis. And might I add that this critical issue does not even affect any of us up here. Speaking for me now, I believe I would simply be derelict in my duty to see there is an issue and know there is an issue and not even address the issue. Affordable housing is like a puzzle, and I have learned this. There are so many moving parts and intricate details that go into it. Every single piece has its place to help us see the bigger picture. And we very well know that if one piece of a puzzle is missing then the puzzle is incomplete. This has been a long and arduous process. I have had some sleepless nights. I had more meetings than I probably can even count. I spent another least 100 plus hours trying to wrap my head around the complexities of this issue. I even managed to sneak a few gray hairs in over the last few months. What I told myself time and time again was never grow weary in well doing. What has kept me planted, what has kept me steadfast and un-moveable is the hope that we can and will do the right thing. What has kept me committed to this cause is knowing that out of the mountain of despair, the 12 of us, the 15 if they were here, can be the stone of hope. The audacity of hope. I can emphatically say every sleepless night was worth it, every meeting was worth it, every critic was worth it. Why? Every person that will benefit from this framework is worth it. The first responder who puts their lives on the line each and every single day, but can't even afford to live in the community they have been called to protect and serve. I just want them to know they are worth it. To the teacher, and might I get personal here, my wife, who has the responsibility of training up tomorrow's leaders, but yet concerned about what tomorrow looks like for their own family. I just want them to know that they're worth it. My goodness, to the thousands of school-aged children in our county living in poverty who can't do anything about the hand they were dealt, but they have aspirations to break generational curses. I just want them to know that they are worth it. To those who with the sweat of their brow and the work of their hands, keep our hospitality and tourism industry thriving here on the space coast, even if they are not thriving themselves, I just want them to know they are worth it. To the homeless veteran who I said before, went off to fight for this country and came home not to find a country fighting for them, I want them to know they are worth it. To the business owner who gave up everything to keep their doors open during this pandemic to ensure their workers could take care of their families, I just want them to know they are worth it. To the indigent people who are looking to pick up the pieces of whatever they had left and rebuild, I just want them to know that they're worth it. To the senior citizen living from social security check to social security check, I just want them to know they're worth it. And let me get real. To every blue-collar county employee who works to ensure that the trains in this county run on time, I just want them to know that they are worth it. To every organization

that works diligently every day with the limited resources that they have to clothe the naked, to feed the hungry, to house the homeless, I want you all to know you are worth it. And hopefully each of us running up here will find they are worth it as well. And it will allow the people to decide if this will be placed on our county's charter. That's the least we can do. I, like many of you, like to consider myself fiscally conservative. But I understand, at the end of the day in lieu of being fiscally conservative, I understand I am my brother's keeper and being a good steward of paying taxpayer dollars is actually taking care of the taxpayer who makes our community what it is. What I realize is that what we have been doing for the past 15 years has not worked. It has been said many times, but Albert Einstein said it best, the definition of insanity is doing the same thing and expecting different results. Let me close with this, I was asked why I am tackling this issue in this manner, and the answer is simple. Because my humble beginnings Vic, it won't allow me to sit idle and it prepared me for this very moment. I didn't have my biological mother and father in my life growing up. I was raised by my godmother who took me in at three months old. This woman was a single mother who had two boys of her own. Robin, she took it upon herself to care for a baby that wasn't even hers. Sue, she worked two to sometimes three jobs to take care of her three boys, even if it meant she went without. Yes, we lived in section 8 government housing. Yes, we lived off food stamps. Yes, we lived in crime-ridden neighborhoods where gunshots sounded like fireworks on the Fourth of July. But you see, Tom, this woman may not have given birth to me, but she gave me life. Every day I thank God, Blaise, for those valley moments because now that I am making it -- making my way up the mountain, they have prepared me for moments like this. Mr. Kierstein, I was reminded never to forget where I came from and never to forget those valley moments. Because no one is exempt from experiencing lows. I assure you it can happen to the best of us. Unfortunately, Mr. Haridopolos, this woman who raised me, my Mom, passed away my junior year in college. February 27th, 2018, to be exact, 11 days after my 21st birthday. You know, Marcia, the toughest thing I have done in my life, even to this very day, was deciding that I wanted to be the one to eulogize my mother. Kendall, you can attest to this since you actually attended my mother's funeral. The title of my eulogy was "There's no place like home." every meeting I have had with affordable housing experts and organizations I can just hear my mother's voice saying to me, Jordin, there's no place like home. Every late night and looking at state statute reports and whatever the counties instituted to tackle the crisis, I can just hear my mother's voice saying to me, Jordin, there's no place like home. Every charter review commission meeting while listening to the questions and concerns and public comments, I can hear my mother whispering to me, Jordin, there's no place like home. And it goes back to what I said at the first time I introduced this item. I often think about what I want my community to look like 20 or 30 years from now. I truly want this to be the perfect community, Marie, to live, work and play. I want our residents to be able to live out those unalienable rights in the declaration of independence, the one that's talk about life, liberty and the pursuit of happiness. I want all of those individuals that I mentioned earlier, the ones who are worth it to look at our county and our communities, and with great pride be able to say there's just no place like home. I say all of that to say I hope all of you on this dais, are the ones that recognize that this is an issue, I think we all do are as fired up as I am because we have

the power, although challenging, to be agents of change. Thank you very much, Mr. C. >>
Thank you very much Mr. Chair. [applause].

Mike Haridopolos: Well said. We have some cards up here to come and speak for us. I just want to make sure I understand the proposal correctly. The final verdict provision is the surplus lands that we've talked about would be the dollars that would go into this fund to help out folks you talked about, correct?

Jordin Chandler: Correct or any other sources established by ordinance.

Mike Haridopolos: Perfect. Rob Cramp followed by Kirsten Patchet. Welcome, sir.

Rob Cramp: Good afternoon. Rob Cramp, Executive Director of Housing for Homeless. I wanted to speak in favor of establishing this trust fund. You have heard the numbers, some of the numbers from Schimberg out of the group from the University of Florida you extrapolate those numbers, we are looking at a problem this year probably of a gap of around 10,000 homes that have not been available for people who need them. It is 10,000 homes. The private sector is doing its part. We have 95 properties. Next year we will build another 60 in Cocoa. And we are competing to build another 80 in Titusville next year the year after. When you add those together, and the public sectors are helping. Palm bay putting five million aside the next year which may be billed 20, 30 units. It is 310,000. It is a drop in the ocean. We will not solve it by people coming up here. What you are used to and everybody that sits in these chairs is used to is people coming up here and saying I have a problem and I need money to solve it or address it or make a decision because the gap is too big. What this trust fund is trying to do, it is not just the money, but creating a dialogue that the committee will commit to saying what is the problem this year and what can we do about it? That's what it is for. It is not us coming up here and saying we need money. It is an agreement to commit to an ongoing discussion for ongoing problems. It is not going to go away. It will get worse. Let me leave you with this. I don't want to be a scare monger, but it says California is the future of the United States. I'm sure you read about the tent cities in L.A., San Francisco, people commuting from the valley into San Francisco, 100 miles every day each way because that's the only way they can afford to live. We say that can't happen here. I lived in San Francisco 30 years ago. It was a fabulous place to live, affordable, fun. But 30 years ago, Silicon Valley was in Silicon Valley and San Francisco was the other end of the peninsula. What has happened over the last 30 years is silicon valley has expanded and it gobbled up San Francisco. You think that's not happening here? You have the space coast expanding. You have highly-paid engineers just like silicon valley coming in to Rockwell and Harris and Embraer. It will happen. If we don't have a continuous dialogue, you are going to see tent cities in new haven. You will have your kids and grandkids living outside the county because they won't be able to afford to live here.

Mike Haridopolos: thank you, sir. Questions anybody? Thank you very much for coming in today, sir. Kirsten Patchet followed by Drew Warren. Welcome.

Kirsten Patchett: Hello. Thank you for allowing me to speak today. I am Kirsten Patchet. I am coming at this from a different perspective in speaking with you today. Embraer Executive jets moved to Brevard county in 2009, 2010. We showed up and we have a

beautiful campus at the airport. We love going to work every day at our campus. It is our global headquarters for the executive aviation business. We have maintenance and repair aircrafts and interior jet engineering. We employ 1100 people both contractor and full time at the site. 40% of our employees are not exempt. They earn \$25 an hour and that is a pretty good wage for people to be earning. We have struggles with them having affordable housing. We recently shared in the news that we added 150 jobs in Melbourne that we are excited about. A majority of them are not exempt positions and again on the production line. Sales and growth projections are strong. We will have a couple of good two, three, four years. As we look to fill these 150 roles we struggle to find local talent and the unemployment rate is very low. Brevard is a hotspot and we can all agree that it is a great place to live right now. We have to source candidates outside Brevard county. While we seek to look internationally we work with Career Source Brevard, FIT, Eastern Florida State college, but because of the low unemployment rates and we can't always bring in entry level talent, we have to go outside. 30% of the jobs are filled by people we recruit externally and bring into Brevard county. What is happening with us is of those people we brought to the county we have people who drop out. Once they come and do a tour of the city, they realize the cost of housing here and we lose 40% of the people. Recruiters are constantly churning to find talent to come into Brevard, Economic Development, they do a great job at promoting our county. We also need help having affordable housing for these people so they come to Brevard and they also say this is a great place for us to work. Thank you for allowing me to share a little different perspective on affordable housing and on this trust being put out there. Please know Brevard is committed to the county, and we ask for your help to consider this and vote in favor of affordable housing.

Mike Haridopolos: thank you, any questions? Thank you for coming in.

Dave Neuman: I have more of a comment. I have a friend who worked for you guys. He would have to walk from the other -- I live by the airport. It would be from the other side of the airport to your campus because he couldn't afford a place to live, and he was paying about \$600.00 more than my mortgage. You go through a lot. They love your company. It is a very important issue. I appreciate you coming in specifically and speaking on this. Thank you.

Kirsten Patchet: Appreciate that, thank you.

Mike Haridopolos: Drew Warren followed by Britney. And followed by Jay Thompson.

Drew Warren: Thank you for letting me get up here and talk. I am the Executive Director of Community of Hope. I just want to say that I know affordable housing is something that all of you want to do something about it. I think there are three basic obstacles to doing it, at least from your perspective, and maybe I am wrong so educate me. One is you don't see it as fiscally conservative. I see that point and I am fiscally conservative myself. I disagree with it. I was -- the other spheres of life go up that the impact of affordable housing actually decreases the cost of the community the other two reasons why I think you would be opposed, one is this the right forum? I think that's a question, I don't know if you remember reading "put me in the zoo " as a kid. The main character wants to be in the zoo. So, all of the zookeepers say this isn't the place for you. This isn't the place for you. There is a place for everybody. There is a home for everybody. To your all's perspective, you think this is

not the place to address that. To some extent, I think you are right. It has to get through you to the place where it should be addressed and where it should be addressed is with the voters. You all have the ability to put it through and let the voters make the decision. This isn't for this panel to decide. This panel gets to let the public decide. The other stumbling block for this is funding source. I would say funding source probably does not particularly -- I don't think that should be something we stumble over. I think the county commission if they are empowered to make this an item as Rob Cramp mentioned that is annually assessed and annually they decide what pocket of funds they pull from to put toward it, I think that's enough. I have my own opinions on where we can find funding and I would gladly speak to that, but my time is up. But I do believe you have the power to put this forward and let the voters decide and I think that's within -- if I were in your shoes I would let it go through the voters.

Mike Haridopolos: I thank you, Mr. Warren. Questions? Mr. Neuman.

Dave Neuman: A question on where the funding would be going. In your opinion or perspective, is it more important to go to the nonprofit groups or be going toward subsidizing buildings to have more affordable places for people to live? From your perspective, yes, we have the opportunity to do this, but it is important that we discuss here because it will be more of that going to the county commission. What is the most impactful way to use the funds.

Drew Warren: We have mechanisms in place and if you let the housing and human services administer under the county commission's oversight there is that mechanism. As for where those funds would go, that is decided on an annual basis. I do think there are lots of non-profit developers as Rob Cramp has mentioned. They have done development. We have done development. I think there is more opportunity to build affordable housing and I think the nonprofits can be a part of that, but for-profit corporations coming in and doing development as long as it is dedicated to those under the 80% Lmi -- or Ami. I think there is plenty opportunity to do this.

Dave Neuman: Thank you.

Mike Haridopolos: Other questions? Thank you, Mr. Warren. Britney followed by Jay Thompson and followed by Dontavious Smith. Welcome.

Brittany Arp: Hi. I am Brittany Arp and a tenant with Community of Hope. Drew Warren is my Manager. In October of 2018 my daughter and I took a midnight bus from Georgia to Florida to start over and we literally had nothing. After a long ride -- I am sorry. Yeah. After a long ride and three days in Orlando we made it to Melbourne. We were dropped off by the old Waffle House and two waitresses came to our rescue. I had no idea where to go, but they did. They fed us and drove us to Genesis House. Genesis house accepted us and it was like a weight lifted off my shoulders. Genesis House help helped me enroll in school at Eastern Florida, and I graduate in December. In late 2018 my husband decides to travel to Florida to be with me and my daughter. He slept outdoors in the first six to seven months and taking showers at Daily Bread and holding a job at a call center. In May of 2019, we are accepted into Community of Hope. We were finally going to be together in an apartment. I remember hopping from room to room because I was so excited. I was so

excited to have somewhere to call home. Community of Hope gave us affordable housing. We were able to save and buy a car in 2020. We wouldn't have been able to buy a car if not for Community of Hope. We saved so much money. My family and I were together and happy in our own place. It was wonderful for our self-esteem and our drive to do better. In May of 2021, Mr. Drew asked my husband and I asked if we could move before August. Mr. Drew tells us we have a house opening up and I think y'all would be perfect for it. We are on our second year in this beautiful house and never in my life would I have thought we would be living in a house, a house we can afford. Community of Hope has given my family the means to be stable again. My husband and I have goals that can be obtained now. We are saving to buy our own home. We would be first-time home buyers. That seemed like a far-away dream just four years ago. The affordable housing fund has given community of hope, homes that are affordable. It is hard and expensive to start over. Community of Hope gives my family and other families a leg up to success. Without them and the funds, my husband and I would have to pay and struggle so much more. They gave us peace of mind and a chance to better ourselves. Thank you for giving me the opportunity to start over the right way and I appreciate you guys, and thank you for listening to me today.

Mike Haridopolos: Well, thank you, Ms. Arp. Congratulations on your success. Jade Thompson. Welcome Ms. Thompson.

Jade Thompson: Hello, name is Jade Thompson and I am a Housing Coordinator at a clinic. I just want to say a comment. It is more I work on a daily basis with clients that have medical needs so they live off social security. We just got funding. I have nowhere to put any of our clients. There is waiting lists for any new building that was put up and they are already a year backed up. You made a comment. I truly believe it is more of the buildings to get them in. Most people on social security is at \$841 a month. We are at the mercy of the landlords. It is more heartbreaking when you talk to them and go out to the hotels and you can see their children. It is more when you are on the fronted line and dealing with it. That's it.

Mike Haridopolos: thank you so much. Dontavious Smith Welcome, Mr. Smith.

Dontavious Smith: Thank you for having me. Dontavious Smith. I have to empathize with my brother, Jordin. It's worth it. It is worth it. There is no way I can be on a 10-day vacation in Brazil in Columbia and worried about Brevard county. I'm sitting here in a bungalow with Brazilian citizens around me with guns and shooting heroin and all kind of life around me and I am sitting here creating a proposal to help homelessness and the apartment issue in my county, the county that raised me. The county that sent me to Florida Agricultural and Mechanical University to come back and to think about them. Brother Jordin, it's worth it. My mama, my grandmama had to clean houses, had to go work, had to grind for me and my little brother. Commission, with all due respect, this fund is much needed. It is not so much more than a fund to create money to give to people who are homeless and don't want to work and don't want to earn a sustainable living. This is why I proposed the Operation Leg up Brevard program! Didn't know about the surplus funding and land and land use. I didn't know a lot of these things. All I wanted to do was help. I had to do what I could in my heart to provide a solution. This fund is much needed for the citizens and the

future citizens of Brevard county, because other than this, I don't see us getting a leg up. Because I am including myself. I don't see us getting a leg up and earning a livelihood to even sustain a living wage and let alone a living livelihood. There it is. Run it by the mayor, bye-bye.

Mike Haridopolos: I have no more appearance cards. Mr. Warren, can you come back up? I want to understand it better. I think this is our fourth and fifth meeting on the issue. The amazing story of Ms. Arp and her family is amazing to hear. Can you walk us through how this works? Is it subsidized? Do they pay a reduced amount? I know there are other groups out there.

Drew Warren: We get a lot of private funding. Most is subsidized by the private funding. Somebody comes into the transitional housing, for example, and that is -- they only pay a percentage of their income. If they are making a thousand dollars a month they can pay up to \$333 a month and that is rent and utilities. And then we have longer term affordable housing and they have to pay a low -cost rental toll. I think our maximum is \$800 and that includes their utilities as well and internet. As far as the funds administered by this trust fund I see this going to a bigger problem which is the stock. No matter how much we help, there is not enough affordable housing stock inventory to address the problem. They can stay with us. Ms. Arp and her family will be moving out and they will buy a house, and that will free up a unit, but if there is no place for people to go they will languish in programs in programs like ours. We get them going and moving on. We have a lot of those 18 to 24-year-old that's we work with. There is no place for them to go. Our units are taken up by people who can't move on because there is no inventory. What we would want this fund to do is to give that seed money to developers whether for profit or not for profit to be able to develop more housing dedicated to people who are low income.

Mike Haridopolos: That helps. Your is typical to other groups where a person pays a percentage of their income. It is not just free housing. They are contributing to the long-term goal as well, correct?

Drew Warren: Absolutely. That helps. Any other questions? Thank you for clarifying. We are on the proposal brought forth by Mr. Chandler. Are there questions for the sponsor of the proposal or debate?

Vic Luebker: Jordin, great job. You have worked very, very hard. As you know, the Florida Today said that I was the fiscal conservative opposed to this. That's not the case. I called them and had them correct that. I want to make sure I am not making an emotional decision on a hard problem. For me, you checked all the boxes and I am in favor of this, and I will explain why because I think some folks are going to scratch their heads. Similar situation as you. I won't get to the details, but 30 years prior so I know that situation. You are not asking us here to solve the problem. You are asking us to give the county commissioners another arrow to tackle the problem and allow the voters to decide. That's all are you doing. My worry was is this a tax reach? It is not. It is discretionary money. It is not a single burden on the taxpayers. The commissioners can do it \$292,500 a year or 150 million -- well there is isn't that much in the fund. This is a priority and like I said this is not going away. I believe this will be a front burner issue for years to come. That said, I looked at it from this perspective. Sometimes they say we need a shiny new fire engines. Other

years they will say we need firefighters. In order to do that we need to make sure they can live there. Wages are doing this -- inflation is doing this and wages are doing this. Housing is the same. I know. I just sold my house. I had it for two years and I am shocked at the difference in two years and I know the buyer pool what I sold my house for \$50,000 a year and you aren't going to come close. That said, you did a great job and I look at it pragmatically and I say give the commissioners the power every year as they go through the budget process to decide how they want to tackle it. We don't need to talk ourselves out of this. Let them figure out every year how they want to do it. That's where I am at.

Mike Haridopolos: Others in discussion?

Blaise Trettis: I think today was the first day that I was able to see the amount of money that this surplus property brings in. I don't think it was by email earlier. I was really sad to see it. I would like to vote for this proposal because I don't think it's a matter of fiscal conservatism. This money from the sale of property I don't think would affect the county with the big budget. The problem I am having is there needs to be some real money that this would good toward solving a very big problem. I don't consider less than \$60,000 a year enough money to justify a vote for the proposal. I don't like the virtual signal and vote for something because I want to prove I am a good person and compassionate. It is looking at what is before us. This is a dedicated funding source and it would not build a single house. It would play for three apartments per year on average. The county has an affordable housing trust fund. It is in place, it is written and they can fund it however they would like. I don't see adding anything to that. To me it all comes down to what is the dedicated funding source. If surplus property had brought in a million dollars on average for five years or and I would go for it immediately. When I saw that it is bringing in less than \$60,000 per year I just don't see it brings in enough money to make it worth- while. There are government costs that would have to go with this. Unfortunately, I was hoping to see a big number and I am seeing a small number. I want to explain why I feel compelled to vote no. Thank you.

Mike Haridopolos: others in discussion?

Dave Neuman: I want to jump off of blaze's point and talk to staff for a moment. In regards to the funding, do you -- how much staff time would eat into that? Just a roundabout. Is there a significant amount that would take out of the \$60,000 for staff expenses to keep this thing running? Like half of that goes to management?

Jim Liesenfelt: I don't really have an answer. I would be surprised if it is through the housing and human services. From their budget I would be surprised if they joined personnel expenses. I believe it goes to programs for rehab and repair of houses.

Mike Haridopolos: I have a question based on what Mr. Trettis asked. Jordin, is there an existing fund now?

Jordin Chandler: There is an affordable housing trust fund. I made that comment several times. It was established via ordinance in 2007, right? I was actually under the impression that that ordinance had a dedicated funding source which was PILT. After doing some due diligence in terms of that there is no permanent funding source for that. Somehow and I

don't know if it was administratively decided that PILT funds would be given to the affordable housing trust fund. I welcome the comments from Mr. Trettis. I think the notion that we have seen that these funds -- or the sale of surplus land has not generated the amount that we think is necessary to properly fund this proposal, this trust fund. I don't think we should throw the baby out with the bath water because I think there are other opportunities. I think there are 200 properties with asset management. Who is to say those lands won't sell? For us to, like I said, to throw the baby out with the bath water because of the dedicated funding source, I just don't think that's right.

Mike Haridopolos: Thank you. Maybe Mr. Jenkins can help me with this question. Right now, there is the trust fund and I think it is a good idea to have surplus real property as a dedicated source. That's your goal, right?

Jordin Chandler: Or any other sources as established by ordinance.

Mike Haridopolos: I get that part. It is the necessary and proper clause. I get it. Mr. Jenkins, if they wanted to, without having to go through the process, are they allowed to add the two provisions which Mr. Chandler is talking about? I think it is a solid idea.

Tom Jenkins: Yes, they could do it legislatively.

Mike Haridopolos: Just by passing a passing of a majority vote, is that correct?

Tom Jenkins: correct.

Jordin Chandler: Mr. Chair, you know, my concern is we need something permanent. We had a lot of discussion up here today about term limits and individuals coming into office. My concern is if it is just in via an ordinance it gives them the liberty to do what they want. Ordinances can be repealed and replaced at any time. This is something concrete. I think we need to consider that. There could be other county commissioners who say it is not a priority of mine. Let's get rid of it. Once again this is creating permanency.

Mike Haridopolos: I can see your point. I don't have a problem with putting this on the ballot myself. I am trying to be pragmatic in the sense that the key provision is not necessarily surplus, real property. I also think that, again, I am trying to be your lifeline here if you have 15 people here, you might get 10 votes as opposed to 12 people being here. I could be wrong. I am trying to ask Mr. Jenkins and others who were on the county commission because I never have. This is a tool I would be happy to give the county commission. I don't want them to use, quote tax dollars, to do but if it is surplus property and people don't recognize it I don't have a problem with. It I don't want to pass something really big three county commissioners can put into place. I appreciate that I was the toughest questioners. You met my standard. If I can get some comments from Ms. Schmitt or Mr. Jenkins or Mr. Fisher who have more experience on the commission than I do. Maybe they can give us some direction who are not in the day-to-day activities of the county.

Kendall Moore: Can I say one thing before you get to the experts and we'll them for last? Full disclosure, bullet number 3, Gus Hipp property we represented the purchaser in the property. One of the things and I just thought of it could make that number grow over time

is the county has a large number of parcels, but they are not declared a surplus. This particular property was in the county's inventory that had not been declared a surplus, and the county has an ordinance about how you declare a property a surplus. We went through the process of declaring it a surplus and then ultimately was able to have a process that is established by ordinance. It is not true what you list today. The list could grow either by individuals wanting to purchase the property or those properties being considered for use by affordable housing developers and the sale to an affordable housing developer and it would yield that in the trust fund. To Mr. Trettis point. You would want a larger number, but that could happen based on properties currently in the counties that are there and they own, but not labeled as surplus today.

Mike Haridopolos: I will echo that because I approached the school board because they have properties and would like to use them for workforce housing and they have chosen not to put those out on the marketplace. If they give the land for free, the cost of affordable housing on the property would go down.

Vic Luebker: Mr. Chair, can I ask a question because it is applicable to all three so they can address it with their expertise? As you look at this and explain it, help everybody understand the color of money in the county. It is not just limited to selling land. Money leverages money. Money gets us money from the state. Money gets us money from the feds. Money gets us money from private developers. It could be much bigger. If you would address that with your expertise in mind.

Robin Fisher: I think you can take the Care Acts Money and if they want to put some toward affordable housing and they could do that. Let me see if I understand something. I lived through the time of 2008 to 2016. 2008, 2009, 2010, 2011 we were trying to sell some of our property and we can help balance the budget. There are some properties that the county owns that has some value that I know is five or six acres on the ocean in Cocoa Beach that is sitting vacant for, you know 30 years. If you establish this ordinance and if the county decides they want to sell that piece of property, does this ordinance say that -- say it is a \$2 million value because it is on the ocean, do you automatically have to be committed to be -- to put that value into the trust fund?

Mike Haridopolos: you mean charter pass?

Robin Fisher: Jordin's proposal?

Tom Jenkins: It would not. The way it is written it is discretionary. It is an option. As are other funding sources an option.

Robin Fisher: I am okay with the way it is written then. I think there will be times that they will need the ability to balance budgets. If it is not mandatory that every sale of every property has to go into this fund, I am comfortable.

Blaise Trettis: Mr. Chair, can I say I disagree? That is the dedicated funding. There is no exception and no discretion in the wording. It looks mandatory to me.

Robin Fisher: That is how I thought it was.

Tom Jenkins: No, it says and may be comprised of the following sources. May be to me means -- >>

Mike Haridopolos: To clarify, Mr. Jenkins, you are looking at point c?

Tom Jenkins: yes.

Mike Haridopolos: Read the whole sentence if you don't mind. The trust fund established under this section that will be funded as directed by the county commission and may be come prized of the of the -- comprised of the following sources. So, it is a may be and not a shall. that's what I see. Do you read it as a shall Mr. Trettis?

Blaise Trettis: I think it is confusing. Seems like you have to dedicate county surplus money. If you will sell it – I am not sure.

Mike Haridopolos: The whole point of this exercise is to give clarity and that's what we are trying to do for you. I read it as may, like you do. But if you read it differently, what I get from the commissioners is they want the flexibility as opposed to seeing every piece of surplus property has to go toward affordable housing?

Vic Luebker: Mr. Chair, I apologize. Two inserted words may solve this if you are interested, Jordin. Just put funds may be used from the sale of, and that's it funds may be or may come from the county surplus property and -- I think that solves the language issue.

Mike Haridopolos: The only shall I see is they are establishing the trust fund.

Blaise Trettis: Mr. Chair, I would like to comment that I think the only value of the proposal is to create a dedicated funding source. I don't see the value. It is like they can already do that now with the trust fund. If this is discretionary. The only value was a dedicated funding. If it is discretionary, what value does it have?

Mike Haridopolos: do you want to change it to shall?

Blaise Trettis: No because it is not enough. If it was a half a million or a million a year, it is not enough to justify even if it says shall. A

Sue Schmitt: A lot of people have said a lot of things. To me, I know that right now there is a huge workforce need out there. Whether it is teachers or nurses or a lot of people, plumbers, no matter who it is. You never want to say that you may be the only person that went through a lot. There's a lot of people, and I will raise my hand, that have gone through a variety of things in their life. I do know that I have been – I do believe there is a huge need in the community. Mainly because of inflation and property values. I mean, rent, whether it is rent or owning a home, doesn't matter which one it is, and it is great people can make money. I also know there is an awful lot of people out there that are working. I am not talking about people that don't want to work. It is people out there working or if in fact they happen to be a senior and they are on a very limited income. That's a huge problem. I have been talking to a variety of people and I believe some other things can be done to assist. Certainly, when we are out of Sunshine I would be happy to sit down with Jordin. I know how important it is not just to him, but to this community. If you

want to do certain things right now, all you have to do is call four county commissioners right now and say that you want something. Go and meet with them and get it on their agenda and get them to commit to putting funds whether it is from the sale of property and let them do it at two meetings from now. And get it done. I do believe there are ways and things that can be done to help this whole process. Number one, I don't think this would pass. Number two, that's not the important part at this point. I just think it is -- you can get done what you need to have done by going to the commissioners right now. I also do believe there are other things that can be done to assist rent -- rentals and buildings.

Mike Haridopolos: Other discussion?

Jordin Chandler: You know, I thought I was in a courtroom for a second and I was going to say objection. I don't think we should make assumptions on if it should pass or not. Mr. Warren said it best, that's to the for us to decide. Put it on the ballot and let the people decide if this is something of importance to them. I don't think we should make undo assumptions on whether it would pass or not. From the conversations I had with a few people, and not going at you Ms. Schmitt I was not speaking as if I was the only one up here experiencing something, but I am telling my story and why it is important to me. Just wanted to clarify that. I don't think we need to make those assumptions on whether this will pass or not. Thank you.

Gabriel Jacobs-Kierstein: Well, I will be brief. You have to start somewhere, and something is better than nothing.

Mike Haridopolos: All right. Anybody else in discussion? Mr. Neuman?

Dave Neuman: My thoughts on this are essentially -- let me back up for a second. I grew up in the nonprofit sector of my career. When I see non-profits coming up and saying we need to solve the problem and it is not by getting money and solving problems. That is a big deal. They don't just come out here and say, by the way, give this money to somebody else because we are full. We are good. We took care of everybody. That's not how that works. This is something I researched and deep dived into myself. If Jordin, you had a plot of land and you say I have enough room for a small utility property and I can't afford it because you have to build a new thing, you won't get any funding or help from your city, county or your state. I looked at all three options. For the most part you will get a really clean tax break and it will be sweet, but an average person will not be able to do that. We won't be doing anything if we don't put something out there the county has to act on. I don't like programs or constitutions in charters. I think that is definitely a legislative process. What this is doing is it is forcing -- it is very forward thinking. This is going to make it where 10 to 20 years from now we are a leader where people can play. That's what this will do and it will force them to find dedicated funding sources and I will not vote for this and I hope they never turn this into a tax. It should be through the dedicated source and it must be addressed and put into the budget so that maybe 10 years down the road you have 600,000, a million, you have money to put into these developers saying, okay, here are the guidelines, but we have people who are working class and live in the community or we will be a very exclusive beach town if we don't do this.

Blaise Trettis: I made this point last time and will make it again. The proposal as written does not require the county commission to do anything. That is because of paragraph -- well, it is the last paragraph that says that no later than July 1st 2023 the county commission shall adopt one or more ordinances and enforce existing ordinances. The county commission can say we won't do anything. We have existing county ordinances. It doesn't require them to do a thing.

Dave Neuman: They will be forced to put the money in the pot.

Blaise Trettis: Not required to do a thing.

Dave Neuman: you can put money aside. At some point down the road, they will want to access that pot of money.

Blaise Trettis: It says implementation by ordinance. It says they shall adopt ordinances or strictly enforce existing ordinances.

Mike Haridopolos: Let me just interject here. The question I have asked and you are saying it as well, Ms. Schmitt, is you would like to see the county commission do the two things are you asking for, right? You are saying funds from sale of county surplus real property or other sources, right? And using that necessary and proper clause in a very liberal way, as Mr. Trettis is bringing up, so you don't enshrine it in the charter, section F, the last one there, says if you do this, you have met the requirements according to the charter in my reading of it. Did I read that wrong?

Jordin Chandler: Maybe we are on different wave lengths here. A charter amendment is something that is concrete. I think everything that is in the charter right now the county commission must abide by, right? If they don't, there is -- you know, I would say consequences or -- for that. The prime example is the charter cap. Once again there are particular details that would have to be implemented by ordinance, and that would be at work with the housing and human services department. I can't even tell you the complexities of what would they think that this charter amendment would necessitate to make it effective for the people. That's why that clause implementation by ordinance because what will happen is once this is passed the county commission will say, hey, Housing and Human services department, bring back something to us that will make sense. Make sure we are abiding by this charter amendment that was passed by the voters.

Mike Haridopolos: I see your point. You put something in the constitution it is a heck of a lot stronger than a law. The many meetings you have had, which is great, have you had meetings with three county commissioners who said they would pass this?

Jordin Chandler: I have spoken to all of the county commissioners. There is a little bit of hesitation. One thing is a lack of a full county commission. I had conversations with -- well, let me back up. Not all. Three of them. Three of them said they would like to do something relative to affordable housing. It has been a topic of discussion as of a few days ago. One commissioner talked about a particular agency and they said I think those funds you are using could go toward affordable housing. Once again if the county commission says I think that may be a particular viable funding source, it gives them the flexibility of any other

sources established by ordinance, right? That's why that clause, clause e, implementation by ordinance.

Mike Haridopolos: Sure. I will get you next.

Robin Fisher: I think some of the property was acquired through either referendum, some was acquired from beach acquisition funds and stuff like that, and referring to one of the properties and it could seed this fund early or for a couple million dollars. By law, does it have to go back to beach acquisition? You can't just take these funds and put it in here, do you know?

Tom Jenkins: I know the funds that are secured or the property is secured of the solid waste fund. In the case of anything funded I am not sure if once you get through the initial purpose and if it is resold you can divert that money away from the EELS program or away from beach and riverfront, however, having said that it is highly probable that they would feel a commitment to the voters who voted to buy environmentally endangered lands to continue to use those funds for environmentally endangered lands. This shall be funded by the county commission. Well, the county commission could vote to put \$10 a year in that fund. There is nothing that says what is going to go into the fund. The way I read it, it is discretionary and the county commission will determine the funding. The language is almost contradictory. Shall means it will happen. And making it as directed to the county commission. The other thing that is confusing is it is not done by resolution, but by various other legal mechanisms. The ordinances are not necessarily a requirement to fund something. So, in some cases it could be if you passed -- if you passed a new fee or something you potentially have to have an ordinance and it is not bound by passing an ordinance. Some of the language is not quite crisp.

Vic Luebker: think Blaise, he does a great job as a lawyer. He is looking at this as a legal perspective. The and/or is tripping you up in section f.

Paul Gougelman: Yep.

Vic Luebker: The and/or will trip you up. And potentially saying shall strictly enforce existing ordinances, will strictly enforce, but the and/or is what is tripping you up.

Jordin Chandler: You all keep saying section F. Section E implementation. Okay.

Vic Luebker: We could table this, but I am throwing it out there for you.

Blaise Trettis: Let me interject. I would rather not table this. I would rather vote on it today. There are no changes or not many. I will propose one now though even though I stated my vote to solve the and/or problem, why not just eliminate everything after provisions of this section. If this passes county commission, you have to pass the ordinance implementing it. Period.

Vic Luebker: you don't need to reference prior votes.

Mike Haridopolos: It is however we want to move together as a commission. We can vote on whether to table it or not or vote today. We can vote on whatever we like. That's the

beauty of this thing. What is your pleasure? Do you want a vote today or do you want to make a motion to table it? What is your proposal?

Jordin Chandler: I think there are valid points made relative to changes to once again tighten up the language. I think we know what Mr. Trettis' vote will be from the beginning. I would like to table this to the next meeting like the other proposals who have been given the opportunity to kick it to the next meeting.

Sue Schmitt: I will second that. I believe that you deserve the right to -- if you want to change something.

Mike Haridopolos: will do a voice vote first. All those in favor of tabling this say yay. >> all those opposed say nay. >> nay. The yays have it and we will table it. Can I make one suggestion? You put a lot of work into this and you clearly have the relationship with the county commissioners. There are county commission meetings between now and our next meeting. I think it should be brought up. I would love to get their opinion on this. Clearly affordable housing is a serious issue. But, as the experienced members of the committee have talked about and as important an issue this is, this should be an ordinance. If we want to give it more strength, that's what the charter would provide. I would love to get their opinion on it. They can probably hash out these facts as well. I can tell you as Mr. Fisher brought up, and we brought up preservation 2000 money to buy up the beach front property, there was no growth on the beachfront property. When you drive down a1a, you can see the beach as opposed to what you have in Ft. Lauderdale. I would be the first one to go ape crazy if they try to build buildings on those lands. I don't want that to be a surplus property. I want it to be vacant so it can be beachfront. We need to be careful about how we tread here on some of these ideas. Today's important issue may not be the next. That said, we'll table it for next time. But it also means, Mr. Chandler, you will need your ballot language geared up and ready to go. This is our last meeting. We have had this in discussion. I don't want an additional meeting. I would like our vote next time and if you make it, you make it, if you don't, you don't. The language needs to be clear and you need to come to a strong conclusion on how you want to implement this. It has come a long way. I am willing to support this, but I am trying to be the pragmatist and saying you can get this done in ordinance. It is not as strong as charter, don't get me wrong. But it would give more strength to your goal. They are hardworking and that is the next rung of the ladder. That is a great idea. As we are working through it, it is the technical parts that get in the way.

Robin Fisher: I was going to say, Mr. Jordin, you should also look at surplus property and the sale of it and the proceeds going there. I think the county has some residential lots that they own that those should be considered for affordable housing. I think that is an easier sale. Maybe you just add it to the proposal. If you go through the list and they can probably help you. There are a lot of residential lots that butt up to a residential home that is sitting out there. You will need land and inventory to meet this need. If you can take some of the lots and use them and let somebody put something on there, I think you will get more bang for your buck too.

Tom Jenkins: We are not allowed to discuss this topic outside this arena, but I do think the language needs to be tightened up. I don't know if Mr. Gougelman can help him or the

county attorney, but I think some of this needs to be cleared up. It is a little confusing, shall and as directed by and by ordinance. I don't know where the ordinance is and if it comes into play. It could be a budget resolution. It could be a grant, a community grant.

Jordin Chandler: if he doesn't mind, Mr. Gougelman, I will reach out to you. I am not an attorney. I do have a pre-law degree, but I will reach out to him to tighten it up. Appreciate it.

Mike Haridopolos: So, this proposal is tabled until next time, again, our last meeting. And hopefully we can have this work out in the best way possible. We are done with the proposals. We are now going to move on to our additional business. We are in public comment and there are no cards in front of me. We don't have unfinished business. And so, we will move to new business. We will vote to approve ballot language. Can we take a recess for 15 minutes? We have been at it for three hours. Any objection? Without objection we will recess for 15 minutes and then we will take up our new business.

Mike Haridopolos: We will get to the new business on the new ballot. Let's take up the first measure. That is on proposal crc -001. It is the three-panel attorney. Mr. Gougelman, if you can help out with that, that would be great.

Paul Gougelman: Yes, sir. You can see on page 2 and section 2 and it is the amendatory language which you all have adopted with excess of ten votes. Page three, top of page three, it is the ballot question and I think that's the language that Mr. Trettis, this is his proposal, by the way and he wanted to use the ballot language which I have no objection to. I think all you need to do is just adopt the resolution.

Tom Jenkins: I have a question.

Paul Gougelman: yes, sir.

Tom Jenkins: How do we determine if it is returned to the county commission or the crc?

Paul Gougelman: You made an amendment further on, if it passes that will help define that. If a three- member panel finds something inconsistent with the law. That proposal is then returned to the crc. I think it may be –Resolution number four.

Tom Jenkins: Should we make them consistent?

Blaise Trettis: It applies to the charter amendment proposals by both the county commissioners and the charter review commission. If the proposal came from the charter review commission it would go back to the charter review commission. If it came from the county commission it would go back to the county commission.

Tom Jenkins: that seems logical. How would you know that five years from now?

Blaise Trettis: When it happens, it is pending.

Tom Jenkins: What you just said to me which makes sense, where is that defined –

Blaise Trettis: It is in the charter now.

Tom Jenkins: What the charter says that either/or can submit to the charter,

Blaise Trettis: Right? yes.

Tom Jenkins: Does it specify to the panel?

Tom Jenkins: They both say that, okay.

Paul Gougelman: And if it was a county commission proposal, it obviously went to the attorney panel and the attorney panel this is a no go. They wouldn't return it to the Charter Review Commission because there wouldn't be one. They would return it to the County Commission.

Mike Haridopolos: Further questions on this first proposal on the language? Voice vote or roll call. Voice. All those in favor say yay –, all those opposed say Nay (The yays were unanimous) showing the language adopted. We are going to move to the second piece, and that is on the super majority vote. It passed 13-0 and we are looking at that proposed ballot summary language. Mr. Gougelman:

Paul Gougelman: Again, on page 2 and section 2 of the resolution it includes the amendatory language that received over 10 votes by the crc. And then at the bottom of page 2 and the top of page 3 is the ballot question. We are looking for a motion and a second. And it is to go ahead and approve this.

Mike Haridopolos: Any questions for Mr. Gougelman?

Marie Rogerson normally this feels very particular. I'm sorry. Is there a way to do it -- I don't know what verbiage has to be used, but just trying to simplify it a little? Instead of this is what we want to do -- this is what we want to do and shall the charter be followed by what is currently there and then leading with the question that I think is a little easier read? Is that a legal thing?

Mike Haridopolos: You want to say that currently in order to change the charter you need we would like to move it to a super majority?

Marie Rogerson: That's what it says now. The charter may be amended by a majority and shall the charter be amended to acquire 60%. If we switch those it would lead with shall the charter be amended to require -- blah, blah, blah, currently this is what it says.

Mike Haridopolos: Sure, go ahead Mr. Trettis.

Blaise Trettis: I think it is better the way it is because here is why. The voters are asked a question. And the order it is in now, they ask a question and they answer. You are talking about putting a question in first and then a sentence, a disruption.

Marie Rogerson: I would actually make it so -- yeah.

Blaise Trettis: I mean you want a question to be answered and you are putting a question before a statement.

Marie Rogerson: I prefer it the other way, but that is a personal preference. Also -- this is not a super complicated verbiage. He did a pretty good job at making it simple. When a regular voter reads the word elector, they don't know it is us talking about them. If it could

be simplified, the majority of the voters -- the majority vote on the issue, things like that simplify it a little for the voter.

Mike Haridopolos: Mr. Gougelman?

Paul Gougelman: Your choice. The change that she's talking about is referring to a voter and elector is fine. We will have to change that wording though. I don't think you want to say voters voting.

Mike Haridopolos: Mr. Trettis, you have a point?

Blaise Trettis: I was thinking that electors -- voters could be read to mean registered voters and it is important to make clear that it is 60% of the voters who vote.

Maire Rogerson: Yeah. I think this language does that.

Blaise Trettis: I don't know the language -- the alternative language you would think is better.

Marie Rogerson: The alternative language that I came up with swaps the sentences. It says shall the charter be required to amend a vote of at least 60% of those voting on a proposed amendment to adopt the proposal? The Brevard charter requires a simple majority or you can replace that with 50% or whatever you prefer. I don't care what order the sentences are in.

Mike Haridopolos: I will defer to you Ms. Rogerson because it is yours. Whatever way you want to go. I would like to see the commission go that way. Besides -- I like the idea of changing from electors. That is very smart. You start thinking electoral college. And people start wondering what is going on? I am comfortable with it if it is legal. And if she turns around the sentence is that still within the parameters we are allowed to do it?

Paul Gougelman: You can do it if you want.

Marie Rogerson: Mr. Trettis, now that I read it out loud, does it make sense, or you still don't like the swapping of the sentences?

Blaise Trettis: you read it really fast.

Marie Rogerson: Sorry, I do a lot of that really fast. Would you like me to read it again? Okay. Shall the charter be amended to require a vote of at least 60% of those voting on a proposed amendment to adopt the proposal? The Brevard county charter currently requires amendments be approved by a simple majority. Or I would accept if you want to change that.

Blaise Trettis: That sounded good to me. can we vote on that now? Do we need to change it?

Paul Gougelman: Let me hear that last sentence again.

Marie Rogerson: the Brevard county charter currently requires amendments be approved by a simple majority.

Paul Gougelman: Currently requires --

Marie Rogerson: amendments be approved –

Paul Gougelman: amendments be approved. >>

Marie Rogerson: by a simple majority. >>

Paul Gougelman: by a simple majority. Period?

Marie Rogerson: Yep.

Mike Haridopolos: I like to vote for things on paper. Are you okay with it or do you want to wait?

Blaise Trettis: I am okay.

Mike Haridopolos: all those in favor of the proposed ballot language say yay. >> yay. (unanimous) >> all those opposed say nay? show it adopted.

Jim Liesenfelt: I am sorry, Mr. Chair. Could we repeat the first sentence one more time?

Mike Haridopolos: yes.

Jim Liesenfelt: We know what you voted on, but we want to get it right.

Marie Rogerson: Shall the charter be amended to require a vote of at least 60% of those voting on a proposed amendment to adopt the proposal.?

Jim Liesenfelt: thank you.

Mike Haridopolos: And all those in favor say yay. >> yay (unanimous) all those opposed say nay. Show that as adopted. Next, we will move to charter review number 19. If you would read those -- does anybody have a problem with that?

Blaise Trettis: I sent out an email at about 1:30 p.m. today and it was provided in writing at today's meeting. Hopefully that is in front of you, but my concern with the ballot language on page 2 is it implies to me that the proposal is a vote to make all county officers subject to recall. It doesn't -- like the previous proposal it doesn't state the current status and the charter provides for the recall election of all of these listed officers. The proposal is to add to that list school board members. The proposal on page 2 as it exists -- it says permits the voters to recall and replace school board members, supervised elections and tax collector or sheriff in the manner stated for the recall of county commissioners. If you just read that, I would think the clear indication to me or implication to me is oh this is a proposal from scratch to adopt a new charter amendment which makes all of these offices subject to recall. I think my language is better. It says, quote, "the current county charter calls for the property appraiser and tax collector and sheriff in the manner provided for state recall of county commissioners. Shall the charter be amended to add school board members to this list of county officers who may face replacement in the manner provided by state law and recall of county commissioners". It has the status quo and what the change is. That's what I would like.

Mike Haridopolos: Questions on that? Anybody have concerns with what the sponsor would like to see?

Paul Gougelman: Just one thing.

Mike Haridopolos: sure.

Paul Gougelman: One of the things we are doing in this amendment is that the charter originally was intended to allow the recall of the county officers or the constitutional officers. There was an amendment that was made some years ago and it refers to allowing the recall of those individuals listed in a particular section. Those officers are not listed in that section. My concern is that somebody could argue that really you don't have the right to recall those people.

Blaise Trettis: it could be a typographical error.

Paul Gougelman: That's what it is. It is up to you all what you want to do

Vic Luebker: Is 4.2 going to 4.1 or the other way around and clarifying those two particular sections of the charter.

Blaise Trettis: Something could be added that it is a typographical error. Would that be better?

Paul Gougelman: I think.

Mike Haridopolos: More likely to vote for it. Is everybody okay adding the sentence about the typographical error? Mr. Jenkins? Is everyone okay with adding the sentence about the typographical error.

Paul Gougelman: I think that is fine to do, except the language currently consists of 72 words and there is a 75-word limit.

Blaise Trettis: Here is the thing. Does the 75-word limit, does that include the question or is it the summary? This includes the question so that is the question. Does the 75-word limit apply to the ballot summary or does it include the question?

Paul Gougelman: Well, the ballot question and the summary are one in the same. The ballot title is separate.

Blaise Trettis: well, then I go back to I think this is fine. And it is a typographical error. There is no question there is.

Paul Gougelman: So, we want to use Mr. Trettis' language?

Mike Haridopolos: Do you have a point you will make?

Tom Jenkins: a separate issue. It is not on this point, but it is on this topic.

Mike Haridopolos: bring it up now.

Tom Jenkins: I am just curious why the state attorney and the public defender are not included and the clerk of the court is?

Blaise Trettis: That goes back to the fact that the charter was never amended that way and it wouldn't be possible because we are Constitutional Officers of the State of Florida, we

are State employees and it wouldn't be possible to amend the county charter to include the state attorney and public defender.

Paul Gougelman: Not only that, you would have a real problem, because it is Brevard and Seminole

Tom Jenkins: that's true. There are two counties.

Marie Rogerson: If we want to add the section about the typographical error. We could cut "current" out of the first sentence. And when it says school board members to this list of county officers, we could cut of county officers because the list is right before it and I don't think it is necessary. Add in shall the charter be amended to fix a typographical error and add school board to this list and then we have the word count.

Blaise Trettis: fine with me.

Paul Gougelman: Do you want to do that again?

Marie Rogerson: So, strike "current" from the first sentence, and the last sentence would read, shall the charter be amended to fix a typographical error. >> shall the charter be amended to fix –

Paul Gougelman: how about correct?

Marie Rogerson: sounds good. Shall the charter be amended to fix a typographical error and add school board members to this list and then strike of county officers and keep the rest.

Paul Gougelman: does that keep us under 75? I guess it does.

Marie Rogerson: Adds 4 and takes 4 so I think it does.

Mike Haridopolos: All right, did you guys get that written in? Are you okay with that? Okay. So, any objections to the changes? We have it before us with the changes. All those in favor of that ballot language say yay. >> yay.>> all those opposed say nay. >> nay. >> I think by the majority vote it is accepted. All right. We are on number 4 and that is on the CRC proposal number 4 and charter review proposal number 20. The three-panel attorney process.

Paul Gougelman: And Mr. Chairman, Mr. Jacobs had to leave to go to another meeting. He did tell me that the language that he sent out to everybody earlier today, he now recognizes that it goes way over 75 words.

Mike Haridopolos: Yeah. It looks a lot longer visually.

Paul Gougelman: He said so do whatever you are going to do.

Mike Haridopolos: why don't we table that? We have time to make those changes. I don't think we will figure it all out, and especially without the sponsor here. Go ahead. We can solve it, then that would be great.

Blaise Trettis: an observation that I think this wording is the same as the wording from the proposal that we just -- I think they are identical. This is the identical wording to the other proposal that we just approved, on number one.

Paul Gougelman: I don't think you want to add the same wording on the ballot summary. That will be confusing to people.

Blaise Trettis: it is not the same, but it is close.

Mike Haridopolos: I agree it is. Let's table that until next time and let him take another bite at it. Just looking at it visually it looks like a heck of a lot more than 75 words.

Paul Gougelman: yeah.

Mike Haridopolos: okay. Before we adjourn, a couple things just to review We are going to have votes next time on the vacancy issue, on term limits and on affordable housing, and also the ballot language associated with that for a meeting on -- you said august 4th, right? August 4th. So be prepared for that in our final meeting and hopefully we can close the business at hand. I appreciate everybody staying a little late. >

Sue Schmitt: before you adjourn I would appreciate it if anyone -- because we have three that we are still going to talk about at the next meeting, if whatever they have to propose that they get that out at least a week before so that we can have it and look at it.

Mike Haridopolos: yes. So that would be on affordable housing issue. yes. >> the term limits and to make sure that is in, and then who was the last one? Mr. Burns.

Sue Schmitt: You may have to contact them to say we need to know no later than -- >>

Mike Haridopolos: Mr. Gougelman and I had that conversation and he will propose the ballot language if they fail to, with my direction, based on what I have heard if that's okay. Okay, I appreciate everyone's time and effort. With that Mr. Neuman moves we rise.

We are adjourned. 6:22 p.m.



BOARD OF COUNTY COMMISSIONERS

Agenda Item E.2a.

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301, MS# 88
Viera, Florida 32940

Inter-Office Memo

TO: Charter Review Commission

FROM: James Liesenfelt, Assistant County Manager 

DATE: July 25, 2022

SUBJECT: County Commission Vacancy Information

At the July 21, 2022 Charter Review Commission meeting, the Commission requested a summary regarding how other Florida Charter Counties fill vacancies on their County Commissions. Please find a spreadsheet with that information attached.

This information was gathered from Ordinances and Charter languages that was found online through Municode and the various Counties websites. Therefore, this information is only as up to date as those sources.

If you have any questions regarding this information, staff is available to answer questions at Jim.Liesenfelt@BrevardFL.gov or 321-633-2003.

Thank you.

County	Charter	Statute	Members	Districts	Vacancies or Suspension	Column1
Alachua	X	X	5	5	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2F
Brevard	X		5	5	A vacancy in the office of County Commissioner arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment of the Governor; provided, a vacancy created by recall shall be filled as provided in section 5.2 of this Charter. Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by applicable provisions of general law.	
Broward	X	X	9	9	Vacancies on the County Commission shall be defined and filled as provided by the laws of the State of Florida. Other than as a result of redistricting, any Commissioners who cease to reside in the District they represent shall be deemed to have vacated their office.	Section 2.01E
Charlotte	X	X	5	5	A vacancy in the office of county commissioners shall be defined and filled as provided by general law and the Florida Constitution.	Section 2.2E
Clay	X		5	5	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2G
Columbia	X	X	5	5	Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida, except that the filling of any vacancy by election shall be on a non-partisan basis as provided in this Charter. Commissioners and other elected county officers may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.	Section 2.6

County	Charter	Statute	Members	Districts	Vacancies or Suspension	Column1
Duval	X		5	5	<i>Duval does not have a County Commission/ they are Council Member seats.</i> The office of a council member shall become vacant upon his or her death, resignation, failure to reside continuously in the district or residence area from which he or she was elected, except in the event redistricting should occur during his or her term of office pursuant to section 5.02, or removal from office in any manner authorized by law. A vacancy in the council shall be filled for the remainder of the unexpired term by election of a council member at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs, which special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation by a council member shall be submitted in writing to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If any council member submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, said special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special elections shall, if possible, be held in conjunction with any other election scheduled to be held within the county. In those situations in which a vacancy exists in a council district or at-large resident area and such vacancy is filled in the first consolidated government election or in the general consolidated government election, the council member-elect, who has been duly elected in the first consolidated government election, or in the general consolidated government election to represent said vacant district or at-large residence area, shall take office and assume and exercise all duties of said certification, in order to reduce the time the council district or at-large residence area is vacant and without representation.	Section 5.06
Hillsborough	X		7	7	Vacancies in commission districts shall be deemed to exist and be filled in accordance with the Constitution and Laws of Florida.	9.06
Lee	X	X	5	5	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2F
Leon	X		7	7	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2(5)

County	Charter	Statute	Members	Districts	Vacancies or Suspension	Column1
Miami - Dade	X		13	13	Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 90 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled countywide election.	Section 1.07
Orange	X		6 + Mayor	6	Vacancies shall be defined and filled in accordance with state law. Any commissioner who changes residence from the district in which the commissioner was required to reside, shall be deemed to have vacated such office. Special elections shall be held when called by the board of county commissioners or required by law. ... if a vacancy occurs in the office of county commissioner and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by a majority vote of the board of county commissioners. If a vacancy occurs in the office of county commissioner and the remainder of the term of office exceeds one year, then such vacancy shall be filled by appointment by a majority vote of the board of county commissioners, until the date set for the commencement of the term of office for county commissioners following the next general election pursuant to Section 204 of this charter. The board of county commissioners shall call a special election, to be held concurrent with the next county election cycle, to fill the vacancy for the remainder of the term of office.	Section 206
Osceola	X	X	5	5	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2F
Palm Beach	X	X	7	7	Vacancies on the county commission shall be defined and filled as provided by Florida law.	Section 2.3
Pinellas	X	X	7	7	No vacancy requirements found in charter.	
Polk	X		5	5	Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners and other elected officers may be suspended from office in accordance with the Constitution and general laws of Florida.	Section 2.6
Sarasota	X		5	5	Vacancies on the Board of County Commissioners shall be defined and filled as provided by State law. Any Commissioner who changes his or her permanent residence to an area outside his/her district shall be deemed to have vacated his or her office on the Board of County Commissioners	Section 2.1C

County	Charter	Statute	Members	Districts	Vacancies or Suspension	Column1
Seminole	X		5	5	A vacancy in the office of county commissioner shall be defined and filled as provided by general law.	Section 2.2F
Volusia	X		6+Chair	5	City Council Members - Vacancies in the county chair's, any council member's or other elected office under this charter government shall be filled in accordance with the Constitution and laws of Florida. Suspensions from office for cause shall be in accordance with the Constitution of Florida.	Section 305
Wakulla	X	X	5	5	Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.	Section 2.6



MEMORANDUM

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

FROM: Paul Gougelman, General Counsel

SUBJECT: Proposal 8; Vacancies and Suspensions

DATE: July 24, 2022

At the July 21st meeting of the Charter Review Commission (“CRC”), the Commissioner Luebker asked how general law provides for the filling of a vacancy for the office of county commission.

Article IV, Section 1(f) of the Florida Constitution provides:

SECTION 1. Governor.—

* * *

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

Sections 100.111(1)(a) and 114.04, Florida Statutes, implement the foregoing constitutional provision and provides:

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, commencing on the first Tuesday after the first Monday following such general election.

114.04 Filling vacancies.—Except as otherwise provided in the State Constitution, the Governor shall fill by appointment any vacancy in a state, district, or county office, other than a member or officer of the Legislature, for the remainder of the term of an appointive officer and for the remainder of the term of an elective office, if there is less than 28 months remaining in the term; otherwise, until the first Tuesday after the first Monday following the next general election.

There is apparently no exception or contrary provision for charter county commissioners. A review of other charter counties supports this view.¹ Those counties either simply provide in their charters that vacancies shall be filled as provided by law, or they don't address the issue, meaning that state law applies. Thus, Section 2.7 is inconsistent with the Florida Constitution and needs revision.

Orange County provides an alternative method for filling vacancies, with the explicit caveat that the alternative method will become effective if and when the Constitution and state law is amended to permit the alternative method to be applicable. It appears to me that the compromise language that the CRC worked out at the last meeting could be implemented using the Orange County approach. The attached resolution is submitted for your consideration.

PRG/mb

¹ The Broward, Palm Beach, Sarasota, Hillsborough, Pinellas, Volusia, and Orange County charters were examined.

Section 2.7 Vacancies and Suspensions

A vacancy in the office of County Commissioner arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment by of the Governor; provided, the majority of the Brevard County Commissioners. The effective date of office shall be immediately following the majority vote of the Commissioners.

Appointment process: The County Commissioners shall advertise for interested applicants that qualify for the requirements of the vacant office. The applications must be submitted within two (2) weeks of the advertisement of the vacancy. A special Commission meeting shall be scheduled one (1) week following the application deadline. Applicants and members of the public shall be permitted to comment during the public comment portion of the appointment agenda item of the special Commission meeting.

The applicant chosen by majority vote of the County Commissioners to fill the remainder of the term of the vacant County Commission seat is ineligible to qualify as a candidate for County Commission during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for County Commissioner during the term of office (or, but for resignation would have served the term).

If the County Commissioners, because of a tie vote by the Commissioners, fails to appoint a person to serve the remaining term of a vacant County Commissioner seat, then the County Commission shall request that the Governor appoint a person to serve the remaining term of the vacant County Commissioner seat. The effective date of office shall be immediately upon the appointment by the Governor. A County Commissioner appointed by the Governor to fill a vacant County Commissioner seat is ineligible to qualify as a candidate for County Commissioner during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for County Commissioner during the term of office (or, but for resignation would have served the term).

A vacancy created by recall shall be filled as provided in Section 5.2 of this Charter.

Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate

qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law.

Submitted by Mr. Blaise Trettis

Commissioners,

This is the final draft of my proposal for your review prior to the meeting this week. I want to also address some of the points brought up previously.

The reason I brought this proposal forward is to mitigate the likelihood of having long periods of time that an entire county district of about 120,000 citizens having no representation in their county government since our districts are single-member districts, and the county has no at-large seats.

Specifically, for District 2, most citizens live in unincorporated Brevard, and have no municipality governing body. Their first level of government is our County Commission. With the vacancy of their seat, their first level of representation in Government is their State Representative. The State Representative has no authority or vote on local matters such as millage rates, county budget, zoning, infrastructure projects, development, etc.

This situation conflicts with the County Charter.

The goal of this proposal is to minimize the time of a vacancy should one occur, and to fill that vacancy in the most democratic and transparent process as possible.

We have been blessed as a County to rarely be in the position to have to fill a vacancy, and this one is only because of a resignation. However, looking forward, we could easily find ourselves in this same position sooner than later. The life expectancy for a male in Florida is 75 years old. We currently have 2 qualified men for different districts who would be at that age prior to the end of their first term should they win this election. That's not considering the added stress of elected office on one's health. We could realistically and statistically be in a position to have to fill 2 vacancies in the next 4 years. That's why I believe this proposal is so important and the deficiencies in the Charter must be addressed now.

Below are the points that have been made.

I. Letting the Governor Appoint or Appoint First:

One position of several members of this Commission was to allow the Governor the opportunity to appoint to the vacancy prior to allowing the County Commission to do so. It was also stated by some members that they felt only the Governor should make the appointment all together. Below are my thoughts on these positions.

Section 1.3 "Construction" of the Charter states "The powers granted by this Home Rule Charter shall be construed **liberally in favor of the charter government.**"

Appointment to a vacancy would be a “power granted by this Home Rule Charter.” Deferring that appointment to the Governor’s office and removing it from the County is not being construed **liberally in favor of the charter government**. Deferring that power to the Governor’s office is in conflict with Section 1.3 of the County Home Rule Charter, as not only is it not **liberally** in favor of the charter government, but it is also in **opposition** to it.

Giving the Governor the “first bite at the apple” is essentially robbing the County of having any bite at the apple at all. That defeats the entire purpose of a Home Rule Charter.

Secondly, there is no process outlined in statute of how the Governor makes appointments to these vacancies. That creates sunshine concerns for citizens. As it stands, no memo was sent out to the citizens of District 2 informing them of the intent to fill this vacancy by the Governor. There is also no obvious statute that states the Governor has an obligation to appoint someone who meets the qualifications outlined in the County Charter. Along with that, there was no instruction or information made available to the citizens informing them that any of them could seek this appointment or how to go about doing so. It has gone from a democratic process to a strictly political one with zero say, input, feedback, or transparency for the people. It is highly unlikely that the people of District 2 or any other District would favor this current process over a democratic one. And as I’ve pointed out previously, Governor Desantis won Florida by less than half a percent. However, he won Brevard County by 17 percent. Had he lost the overall election, Andrew Gillum would be making this appointment in a county that he lost by a staggering 17 percent, which would not be an accurate representation of the will of the people.

Thirdly, as we see now, the Governor can decide not to make an appointment at all. In any scenario, it leaves the current County Staff in limbo on scheduling things such as the budget for votes, not knowing when, if ever the vacancy will be filled by the Governor. It leaves the remaining members of the County Commission in limbo as to whether to table issues most impacting the vacant district or move forward, because there has been little to no communication from the Governor’s office of whether an appointment is coming or not, let alone when. Again, defeating the entire purpose of a Home Rule Charter. Every municipality in our County either appoints by majority vote to fill a vacancy, or holds a special election. None of them delegate that authority to another governing body; the County Commission or to the Governor’s office.

I referenced the first sentence in Section 1.3 of our Charter at the start of my argument. However, the second sentence may drive the point home. It says... *rights and powers in this charter shall not limit, deny or disparage the right of the people of Brevard County to the fullest measure of home rule authority allowed by the State Constitution to the citizens of charter counties.*

I submit that allowing the highest level of state government appoint a local official in a Home Rule Chartered County, **limits, denies, and disparages** the right of the people.

According to [Florida Statutes 163.410 Exercise of powers with home rule charters](#) - any county which has adopted a home rule charter, the powers conferred by this part **shall** be exercised **exclusively** by the governing body of such county. (emphasis added)

In short, I believe that allowing the Governor to fill a vacancy on the County Commission is a violation of the County Charter and Florida Statutes.

II. Special Election

One of the main reasons this item has been tabled several times is because we have been waiting for date from the Supervisor of Elections (SOE) on how much time is needed to facilitate a special election for a county commission seat. Another concern is the cost to have a special election to the County.

According to staff, we did receive an estimate for the cost from the SOE. The SOE recently provided an estimate for a special election for the city of Palm Bay. The estimate compared to the actual cost was approximately \$80,000 higher. That being said, all elections are expensive, but the cost has been determined to be necessary for the democratic process. Special elections are so rare that the cost to conduct one at the county level relative to the size of the county budget is minimal. There are few things that taxpayers are happy to spend money on; voting for their representative is one of them. However, the cost of a special election is reduced dramatically when it can be combined with an already scheduled county election or otherwise.

It is my preference, and I believe also the majority of the people that their elected officials be elected. That is why I think it is imperative to prioritize a special election to fill a vacancy over any other option. In reviewing other county charters, I found some language on timelines for special elections. (I would like to note that one point brought up by Mr. Trettis about the language of “runoff” in my proposal sounding non-partisan, that is the language currently in the Charter, not something I added. It is also in the amendment he submitted)

Because we do not have a timeline from the SOE, and to help mitigate the costs, I propose that we adopt language in part from the Orange County Charter. When the vacancy term exceeds one year, the county commission appoints to fill the vacancy until the special election can occur in concurrence with the next county election.

Taking into consideration the idea of a “caretaker” by the Chair, I would propose language that would prioritize appoint the chief of staff or highest ranking staff member of the vacant office to the position to ensure continuity to the citizens of the district, and the ability to hit the ground running so to speak. Obviously, that appointment would be dependent upon the vacancy occurring in good standing, i.e. not a removal from office or resignation under possible criminal investigation etc. Any such issue would be debated during the appointment process by the remaining board members prior to a vote. One issue I do see arising from this method is that the salary of the chief of staff more often than not exceeds the salary of the County Commissioner. That individual is unlikely to be willing to take such a mandated pay-cut.

III. Appointee running for election

The only way I see being able to limit someone who is appointed to a vacancy from running in the upcoming election is to amend **Section 2.3 Qualifications** to “cannot be currently appointed to the position running for.” If the attorney deems that it can be added to the vacancy portion of the proposal, then I am all for that. However, I think that should someone decide to challenge that in court, they could argue that they meet the qualifications to run according to the charter. That is a legal question I’m not sure I can answer, but I’m good with it either way.

I do believe and agree that an appointee does have an overwhelming advantage in an election, but I also think that advantage exists whether they are appointed by the Governor or the County, maybe even more so by the Governor because it’s essentially an endorsement from the Governor. Another argument to leave the Governor’s office out of it.

IV. Tie for Appointment Vote

In my research, I was not able to find any language that addresses a tie for an appointment vote. I did however find in some processes that a constitutional officer such as the Clerk of Courts have votes on appointments to other boards or commissions. This may be an option to explore for this process. Another idea is in some Counties, the Chair/Mayor is a non-voting member because of their structure of government. I would propose that in the case of a tie, the Chair’s vote is withdrawn as a tie breaker, but I have also seen in some HOA by-laws that the chair’s vote counts twice which may be more proper since the board elected the chair.

Another option is that in the event of a tie, that candidate is removed from consideration and another candidate is voted upon.

The final option is that in the case of a tie and there are no other candidates to vote on, the vacancy remains until there is an election. I do not believe that it should go to the Governor for the reasons stated previously.

V. Appointment Process

In order to keep the language on the ballot short and simple and to also give some leeway to adapt to changes or circumstances in the future, I think it is most proper that the appointment process should be adopted by county ordinance.

All that being said, and all matters into consideration, I amend my proposal to the following language.

A vacancy in the office of County Commissioner arising from the death, resignation, or removal of such official, shall be filled for the remainder of the unexpired term by election of a County Commissioner at a special election to be called pursuant to resolution of the county commission and held on a date specified by the Supervisor of Elections, which special election

shall, if possible, be held in conjunction with any other election scheduled to be held within the county. If the date of the Special Election is determined to be greater than 90 days after the effective date of the vacancy, the vacancy shall be filled until certification of the special election results, by appointment by a majority vote of the board of county commissioners. The appointment process shall be determined by County ordinance. In the event of a tie vote, the Chair's vote shall count twice. The appointee must meet the qualifications outlined in section 2.3 of this Charter.

The appointee to the County Commission vacancy shall be ineligible to qualify as a candidate for County Commission during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for the County Commission during the term of office they were appointed to.

A vacancy created by recall shall be filled as provided in Section 5.2 of this Charter.

Again, fortunately, vacancies are rare, but should they occur can delay county business, and more importantly leaves 1/5 of our County without any local representation while decisions are still being made. We've discussed some of the recent examples. We've also discussed the issues it causes for super-majority requirements. In the future, it could cause issues for even meeting a quorum. That is why I believe, although some may see it as a minor and rare issue, it is one we can address now to mitigate future problems that may not be so minor. At a minimum, I believe we are obligated to put forth a product to the voters to allow them to decide, especially since I believe our current charter, as it stands is in conflict with itself, and state law.

Respectfully,

Robert Burns

Changes to Current charter language

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms. No person maybe elected as Commissioner more than twice; however, election to a partial term by special election shall not count toward the limitation of terms herein.~~ (Amd. 11-3-98; 11-7-00)

Section 2.5 Candidacy and Election

Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two ~~consecutive~~ full terms. (Amd. 11-3-98; 11-7-00)

Submitted by Mr. Blaise Trettis

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms. No person may be elected as Commissioner more than twice; however, election to a partial term~~ **of less than two (2) years** ~~by special election shall not count toward the limitation of terms herein.~~

Section 2.5 Candidacy and Election

Except as provided in Section 2.4, Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. ~~No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two~~ **consecutive** **full** ~~terms. (Amd. 11-3-98; 11-7-00)~~

Submitted by Mr. Blaise Trettis

Proposal 17

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Except as provided in Section 2.4, Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. ~~No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two consecutive terms. (Amd. 11-3-98; 11-7-00)~~

Submitted by Nick Tomboulides

PROPOSAL TO AMEND THE BREVARD COUNTY CHARTER TO ESTABLISH A TRUST FUND THAT WILL CREATE AND SUSTAIN WORKFORCE HOUSING AND SUPPORTIVE HOUSING FOR VULNERABLE FAMILIES.

Jordin Chandler, a member of the 2021-2022 Brevard County Charter Review Commission, proposes that the following underlined words be added to a new section (section 1.9) under Article 1 of the Brevard County Charter:

Sec. 1.9. – Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund.

(A) *Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund established.* The Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund ("Trust Fund") is hereby established.

~~(1) — See Sec. 62-6301. **Definitions.** Of the Brevard County Code of Ordinances pertaining to the definitions for Workforce and Affordable Housing.~~

~~(2) — *Supportive housing is a combination of affordable housing and supportive services designed to help stabilize people who face complex challenges. Supportive housing has historically been offered to chronically homeless individuals through the homeless system and is recognized as a cost-effective and empirically based solution for long-term homelessness. Supportive housing models can look as different as the communities in which they are located. However, all supportive housing includes affordable housing, individualized, tenant-centered services, and property and housing management.*~~

~~(B) *Purposes of Trust Fund.*~~ The purpose of the Trust Fund is to provide a continuing, non-lapsing fund for the Brevard County Commission to use to address the need for affordable housing within Brevard County. The Trust Fund ~~will~~ shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners, and to increase workforce housing opportunities. ~~The section is intended to comply with F.S. ch. 163 generally and specifically F.S. § 163.3177(6)(f), F.S. ch. 420 generally and specifically F.S. § 420.907, and F.S. ch. 125 and specifically F.S. § 125.379.~~

~~(C) *Revenue sources.*~~ The Trust Fund established under this section shall be funded as directed by the County Commission, and may be comprised of the following sources:

~~(1) — Brevard County General Revenue appropriated to the Trust Fund by~~

- ~~the County Commission as part of the annual budget;~~
- ~~(2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;~~
 - ~~(3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;~~
 - ~~(4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to the development policies established by ordinance; and,~~
 - (1) Funds from the sale of County surplus real property; and,
 - (2) Other sources as established by ordinance.

(D) Continuing Nature of Trust Fund. Unless otherwise provided by ordinance or required by applicable law, unspent portions of the Trust Fund established under this Section, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:

- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
- (2) Do not revert to the general revenues of the County, and
- (3) Any appropriations do not lapse.

~~(E) Administration and Oversight of Trust Fund. The Trust Fund shall be administered, appropriated, and expended by the County Commission in a manner consistent with the purposes of the Trust Fund as set forth in this section. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.~~

~~(1) Dispersion of funds. The board of county commissioners shall establish and adopt written policies and procedures within the housing and human services department for the dispersion of such trust funds and residential density equivalent units. The criteria shall include a priority based ranking system, similar to the state housing finance corporation format, to determine priority for the awarding of funds or density equivalent units to applicants.~~

~~Example: Proposals having more than the minimum percentage of units serving lower income residents shall receive a higher priority ranking.~~

- ~~(2) Application. Any applicant seeking to secure such funds or residential density equivalent units shall submit an application to the housing and human services department.~~
- ~~(3) Trust fund and unit dispersion. Dispersion of funds and, or, density~~

~~equivalent units shall be limited by fund availability and shall be in accordance with the written policies and procedures established by the board of county commissioners for the use of such funds. Dispersion of residential unit density, by the transfer of development rights, shall be consistent with the transfer of development rights for affordable units section of the code and the county comprehensive plan.~~

~~Developments seeking the use of housing trust funds or density equivalent units should be located in areas serviced by existing transportation and utilities infrastructure and located near other public facilities, services, employment centers, shopping, active mass transit corridors, daycare centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the BOCC as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Developments scoring at or above the minimum 66th percentile will be eligible to receive housing trust funds and density equivalents. A complete application will include a completed location evaluation matrix and needs analysis form that meets the minimum scoring requirement at or above the 66th percentile. A higher ranking score may be used to determine the awarding of additional funds when available.~~

~~(4) *Trust fund affordability agreement.* The applicant shall enter into a land use and deed restriction affordability agreement with the county. The agreement shall provide the number and designation level of affordable units, and period of time as affordable, and any other requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures established by the board of county commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.~~

~~(5) *Trust fund discretionary allocation.* Allocation of these funds and units are discretionary and must compete with all other developments and are based on fund and unit availability. Priority shall be given to developments designed to facilitate pedestrian access to transit and neighborhood commercial nodes that score above the 66th percentile on the completed location evaluation matrix and needs analysis forms.~~

~~(F) *Implementation by Ordinance.* No later than July 1, 2023, the County Commission shall adopt one or more ordinances implementing the provisions of this section, and/or strictly enforce existing ordinances (such as those located at **in** Chapter 62, Article XVII), which ordinances may be amended from time to time by the County Commission consistent with the provisions of this section.~~



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Code of Ordinances

CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA VOLUME II

Chapter 62. LAND DEVELOPMENT REGULATIONS

Article XVII. AFFORDABLE AND WORKFORCE HOUSING INCENTIVES

§ 62-6301. Definitions.

Latest version.

Affordable means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in the definitions of low, moderate and very-low income persons or households as listed below. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

Moderate-income person or moderate-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

Low-income person or low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever amount is greatest.

Very-low-income person or very-low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households.

Affordable housing means a single-family owner occupied, or multi-family owner occupied, or rental unit, that has a mortgage or rental payment, including utilities, not exceeding 30 percent



of the gross income of households at or below 120 percent of the area median income (AMI), as adjusted for family size.

Affordable housing developments (AHD) means a single-family owner occupied, or multi-family owner occupied, or rental developments in which a minimum of 30 percent of the total units are set-aside for households at or below 120 percent of the area median income (AMI).

Within the 30 percent set-aside:

- No less than 30 percent shall be designated for households up to 50 percent AMI;
- No less than 30 percent shall be designated for households between 51 percent to 80 percent AMI; and
- No more than 40 percent shall be designated for households between 81 percent and 120 percent AMI.

Income limits are updated periodically and are available from the housing and human services department, upon request. Affordable single-family ownership units shall be designated for households at or below 80 percent AMI.

Example: If a builder or developer proposed a 100 unit development; to receive incentives under the "affordable housing" status the development would need to set-aside 30 units as affordable. Of the 30 units, a minimum of 30 percent or nine units would need to serve households at or below 50 percent of the AMI, another minimum of 30 percent or nine units would need to be set-aside to serve households between 51 percent to 80 percent AMI, and no more than 40 percent or 12 units would need to be set-aside to serve households between 81 percent and 120 percent AMI.

Affordable housing tax credit eligible (AHTC) means a rental unit that has a payment, including utilities, not exceeding 30 percent of the gross income of households at or below 60 percent of the area median income (AMI), as adjusted for family size.

Affordable housing tax credit eligible developments (AHTCD) means multi-family rental developments in which a minimum of 40 percent of the total units are set-aside for households at or below 60 percent of the area median income (AMI) or less adjusted for family size, or which a minimum of 20 percent of the total units are set aside for households at or below 50 percent of the area median income (AMI) or less adjusted for family size and which a minimum of 15 percent of the total units are set-aside for households at or below 35 percent of the area median income (AMI) or less adjusted for family size. Income limits are updated periodically and are available from the housing and human services department, upon request.

Example (40 percent of units at 60 percent AMI): If a builder or developer proposed a 100 unit development; to receive incentives under the "Affordable Housing, AHTC" status the



development would need to set aside 40 percent or 40 units as affordable AHTC serving households at or below 60 percent of the AMI. Within the set-aside a minimum of 15 percent or three units would need to be set-aside to serve households at or below 35 percent of AMI.

Example (20 percent of units at 50 percent AMI): If a builder or developer proposed a 100 unit development; to receive incentives under the "Affordable Housing, AHTC" status the development would need to set-aside 20 percent or 20 units as affordable AHTC serving households at or below 50 percent of the AMI. Within the set-aside a minimum of 15 percent or three units would need to be set-aside to serve households at or below 35 percent of AMI.

Adjusted for family size means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in the definitions of low, moderate and very-low income persons or households, based upon a formula established by the United States Department of Housing and Urban Development.

Annual gross income means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

Area median income means the median family income in the county, adjusted for family size, as published by the U.S. Department of Housing and Urban Development annually.

Land trust means a development organization which acquires or develops parcels of land for the primary purpose of providing affordable housing in perpetuity through conveyance of the structural improvement subject to a long-term ground lease which retains a preemptive option to purchase any such structural improvement at a price determined by a formula designed to ensure the improvement remains affordable in perpetuity.

Location evaluation matrix and needs analysis means a data collection and analysis tool and document applied to a potential development site requesting incentives or funds. This tool will assist staff with determining site suitability, and verifying currently available affordable/workforce housing stock in the immediate area, utilizing the best available federal census, or other recognized housing data sources or studies.

Local housing assistance plan means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of F.S. §§ 420.907—420.9079 and Florida Housing Finance Corporation rule.



Maximum eligible sales price means the sales price or value for a new or existing property, including the lot, not exceeding 90 percent of the area median purchase price, as provided by the Florida Housing Finance Corporation.

Principal residence means the household must utilize the property as their primary residence, as established by eligibility for the state department of revenue property tax homestead exemption. The household may not vacate the unit for more than 120 consecutive days in any one calendar year for any reason, other than a hospital or nursing home stay.

Residential means a structure or structures solely dedicated to the housing of a person or persons to live, cook and/or sleep within on a permanent basis, as either owner, renter or lessee provided, however, that adult congregate living facilities, retirement homes, nursing homes and other structures operated by a social service organization to provide residential care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged shall be considered to be commercial land uses as defined herein.

Workforce means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in the definition of workforce persons or households as listed below. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

Workforce person or households means one or more natural persons or a family that has a total annual gross household income that does not exceed 140 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

Workforce housing means a single-family owner occupied, or multi-family owner occupied, or rental unit, that has a mortgage or rental payment, including utilities, not exceeding 20 percent of the annual gross income of households at or below 140 percent of the area median income (AMI), as adjusted for family size.

Workforce housing developments (WFHD) mean single-family or multi-family, owner occupied developments in which a minimum of 15 percent of the total units are available to households with an income no higher than 140 percent AMI, and the units sales price can not exceed 20 percent above the moderate income home sales price established by the Florida Housing Finance Corporation, both of which may be adjusted from time to time. Income limits and sales prices are updated periodically and are available from the housing and human services department, upon request.



Example: If a builder or developer proposed a 100-unit development; to receive incentives under the "workforce housing" status, the development would need to set-aside 15 units as workforce serving households with incomes no higher than 140 percent of AMI.

(Ord. No. 07-18, § 3, 5-3-07)

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Sec. 62-6304. - Housing trust fund and unit mitigation bank.

- (a) *Created.* There is hereby created, pursuant to this article, a Brevard County Housing Trust Fund for the receipt of non-ad valorem revenues, and residential density equivalent units, for use in the development and rehabilitation of affordable housing. The use of funds and residential density equivalent units from the housing trust fund shall be limited to developments where 30 percent or more of the units meet the definition of affordable housing.
- (b) *Dispersion of funds.* The board of county commissioners shall establish and adopt written policies and procedures for the dispersion of such trust funds and residential density equivalent units. The criteria shall include a priority based ranking system, similar to the state housing finance corporation format, to determine priority for the awarding of funds or density equivalent units to applicants.

Example: Proposals having more than the minimum percentage of units serving lower income residents shall receive a higher priority ranking.

- (c) *Application.* Any applicant seeking to secure such funds or residential density equivalent units shall submit an application to the housing and human services department.
- (d) *Trust fund and unit dispersion.* Dispersion of funds and, or, density equivalent units shall be limited by fund availability and shall be in accordance with the written policies and procedures established by the board of county commissioners for the use of such funds. Dispersion of residential unit density, by the transfer of development rights, shall be consistent with the transfer of development rights for affordable units section of the code and the county comprehensive plan.

Developments seeking the use of housing trust funds or density equivalent units should be located in areas serviced by existing transportation and utilities infrastructure, and located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the BOCC as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Developments scoring at or above the minimum 66th percentile will be eligible to receive housing trust funds and density equivalents. A complete application will include a completed location evaluation matrix and needs analysis form that meets the minimum scoring requirement at or above the 66th percentile. A higher ranking score may be used to determine the awarding of additional funds when available.

- (e) *Trust fund affordability agreement.* The applicant shall enter into a land use and deed restriction affordability agreement with the county. The agreement shall provide the number and designation level of affordable units, and period of time as affordable, and any other

requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures established by the board of county commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

- (f) *Trust fund discretionary allocation.* Allocation of these funds and units are discretionary and must compete with all other developments, and are based on fund and unit availability. Priority shall be given to developments designed to facilitate pedestrian access to transit and neighborhood commercial nodes and that score above the 66th percentile on completed location evaluation matrix and needs analysis forms.

(Ord. No. 07-18, § 6, 5-3-07)

*Density bonus is not
a residential density
equivalent unit*

Sec. 62-6305. - Density bonus for affordable housing.

- (a) *Application; eligibility.* Developments located within any residential or commercial zoning or future land use category with a density of six units per acre or greater, and with a minimum 30 percent of units designated as affordable housing, or meeting the (AHTC) definition and eligibility requirements, are eligible to apply for a 25 percent density bonus consistent with the criteria in the county comprehensive plan, provided the overall residential development density does not exceed the density in the next highest residential future land use designation.

An application for a density bonus, that does not otherwise require a rezoning or amendment to the comprehensive plan, shall be submitted and evaluated in the same manner as an amendment to the official zoning map, pursuant to the process set forth in section 62-1151. In evaluating the density bonus request, the board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. A density bonus may be less than the highest density bonus amount permitted by the comprehensive plan and future land use designations.

Developments located in unincorporated Brevard County within any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.

The 30 percent minimum requirement for affordable, or (AHTC) eligible units, applies to the total number of residential units realized from the calculated density bonus. (Example: 20 units \times 1.25 = 25 units. 25 units \times .30 = 7 units required as affordable housing.)

- (b) *Mixed use commercial and residential.* Developments with residential units located on lands within the commercial future land use categories, and business zoning classifications, are eligible for development incentives provided by this section, consistent with the policies in the applicable elements of the county comprehensive plan.
- (c) *Density bonus use on site.* Density bonuses may be considered only within the development site creating the bonus units.
- (d) *Zoning requirements and review criteria for affordable developments exceeding established future land use density.* In order to realize additional residential units from a density bonus, up to 25 percent over the maximum density allowed in the future land use categories that allow the use of a density bonus, a rezoning to a planned unit development (PUD) or residential planned unit development (RPUD) zoning classification shall be required. In evaluating the rezoning request and proposed development location, the board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be less than the highest density bonus amount permitted by the comprehensive plan and future land use designations. Developments located in unincorporated Brevard County within any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.
- (e) *Location evaluation matrix and needs analysis.* In addition to the existing review criteria for PUD and RPUD zoning change applications the following location criteria apply. The areas of rezoning and development should be located in areas serviced by existing transportation and utilities infrastructure,

and located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the board as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Projects scoring at or above the minimum 66th percentile will be eligible to receive a density bonus. A complete application will include the location evaluation matrix and needs analysis forms that meet the minimum scoring requirement at or above the 66th percentile.

In determining the appropriateness of a rezoning the board of county commissioners shall consider all factors associated with the review of a PUD or RPUD development project pursuant to this Code. The board of county commissioners shall also consider the impact of the proposed project on the transportation level of service.

- (f) *Density bonus affordability agreement.* The applicant shall enter into a land use and deed restriction affordability agreement (LURA) with the county. The agreement shall provide for the number of units which can be built subject to a density bonus and to ensure that the required percentage of units are maintained as affordable units and/or special needs units, for a period of time consistent with the written policies and procedures established by the board of county commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs.

(Ord. No. 07-18, § 7, 5-3-07)



Brevard County

Code of Ordinances

CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA VOLUME II

Chapter 62. LAND DEVELOPMENT REGULATIONS

Article XVII. AFFORDABLE AND WORKFORCE HOUSING INCENTIVES

§ 62-6307. Workforce housing incentives.

Latest version.

To meet the needs of county residents for workforce housing as defined in the Code, the following incentives are provided:

- (1) **Density bonus for workforce housing.** Developments located within any residential or commercial zoning or future land use category, with a density of six units per acre or greater, and with at least 30 percent of units designated as workforce housing are eligible to apply for a 15 percent density bonus, consistent with the criteria in the county comprehensive plan, provided the overall residential development density does not exceed the density in the next highest residential future land use designation.

An application for a density bonus, that does not otherwise require a rezoning or amendment to the comprehensive plan, shall be submitted and evaluated in the same manner as an amendment to the official zoning map, pursuant to the process set forth in section 62-1151. In evaluating the density bonus request, the board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. A density bonus may be less than the highest density bonus amount permitted by the comprehensive plan and future land use designations.

Developments located in unincorporated Brevard County within any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.

(Example: $20 \text{ units} \times 1.15 = 23 \text{ units}$. $23 \text{ units} \times .30 = 7 \text{ units}$ required as workforce housing.)

- (2) Workforce density bonus use on site. Density bonuses may be considered only within the development site creating the bonus units.
- (3) Zoning requirements and review criteria for workforce developments exceeding established future land use density. In order to realize additional residential units

from a density bonus, up to 15 percent over the maximum density allowed in the future land use categories that allow the use of a density bonus, rezoning to a planned unit development (PUD) or residential planned unit development (RPUD) zoning classification shall be required. In evaluating the rezoning request and proposed development location, the board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the highest density bonus amount permitted by the comprehensive plan and future land use designations. Developments located in unincorporated Brevard County within any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.

In addition to the existing review criteria for PUD and RPUD zoning change applications the following location criteria apply. The areas of rezoning and development should be located in areas serviced by existing transportation and utilities infrastructure, and located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the BOCC as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Developments scoring at or above the minimum 66th percentile will be eligible to receive a density bonus. A complete application will include the location evaluation matrix and needs analysis forms that meet the minimum scoring requirement at or above the 66th percentile.

In determining the appropriateness of a rezoning the board of county commissioners shall consider all factors associated with the review of a PUD or RPUD development pursuant to this Code. The board of county commissioners shall also consider the impact of the proposed project on the transportation level of service.

- (4) Permit review and recording fee refunds. All developments with workforce housing units shall be eligible for refunds of county review and agreement filing fees (e.g. planning, building, engineering), from funds administered by the county department of housing and human services, as permitted by law, contingent on availability of funds. Developments with workforce units will be eligible to request a refund of review and recording fees only on the units designated as workforce. This does not include impact fees, facility investment fees, connection fees or similar fees.
- (5) Workforce housing agreement. The applicant shall enter into a land use and deed restriction affordability agreement with the county. The agreement shall provide the number and designation level of workforce units, and period of time as workforce housing, and any other requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures

established by the board of county commissioners. A land trust may be used as a mechanism to retain units as workforce.

- (6) Affordable/workforce housing team. Developments in which 15 percent or more of the entire project is workforce housing can receive the assistance of the county's affordable/workforce housing team. The team will provide technical assistance to facilitate the movement of the development through the necessary permitting procedures. Contact with the affordable/workforce housing team shall be made through the affordable/workforce housing coordinator.

Priority use of the team resources will be given to projects with affordable units, and a greater period of time that units will remain affordable. Subsequent priority will be given to developments that have workforce, or a combination of affordable and workforce units. A higher percentage of units mean a higher priority.

(Ord. No. 07-18, § 9, 5-3-07)

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2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

#	Author	Submission Date	Introduction Date	Description	Meeting Dates
1	Blaise Trettis	1/03/2022	1/06/2022	2.9.3.1 Charter Cap Vote to Reject 8-6 Removed 06-23-2022	2/17/2022 3/24/2022 4/21/2022 ** 5/12/2022 ** 06/23/2022 **
2	Blaise Trettis	2/03/2022	2/17/2022	Amended Proposal- School Board Member Recall Election Vote to Reject 6-5 Removed 05/12/2022	3/24/2022 4/21/2022 ** 5/12/2022 **
3	Sandra Sullivan	2/16/2022	2/17/2022	Full Time County Commissioner Vote to Reject 15-0 Removed 04/21/2022	3/24/2022 4/21/2022 **
4	Sandra Sullivan	2/17/2022	2/17/2022	2.9.10 Citizen Process Vote to Reject 14-1 Removed 04/21/2022	3/24/2022 4/21/2022 **
5	Blaise Trettis	2/25/2022 Amended 6/21/2022- Ballot Language Approved Amended 7/07/2022	3/24/2022	Repeal Three Panel Attorney Review Vote Passes 14-0 Vote Passed 6/23/2022 Ballot Summary Language Presented and Amended 7/07/2022 Ballot Summary Language Approved 7/21/2022 BCC Resolution 8/04/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 ** 8/04/2022 **
6	Michael Myjak	3/22/2022 Amended 6/06/2022	3/24/2022	Right to Clean Water Vote to Reject 10-4 Removed 6/23/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 **
7	Blaise Trettis	3/23/2022	3/24/2022	Repeal Article 8 & Section 8.1 Vote to Reject 13-1 Removed 6/23/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 **

2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

#	Author	Submission Date	Introduction Date	Description	Meeting Dates
8	Robert Burns	4/06/2022 Amendment 5/20/2022 Amendment 7/25/2022 by Commissioner Trettis Amendment 7/26/2022 by Mr. Burns	4/21/2022	2.7 Vacancies and Suspensions Tabled 6/23/2022 Tabled 7/7/2022 Tabled 7/21/2022 Commission to Vote 8/04/2022	4/21/2022 ** 5/12/2022 ** 6/23/2022 ** 7/7/2022 ** 7/21/2022 ** 8/04/2022 **
9	Robin Fisher	4/20/2022	4/21/2022	2.4 Term of Office Vote to Reject 6-5 Removed 5/12/2022	4/21/2022 ** 5/12/2022 **
10	Marie Rogerson	4/21/2022 Ballot Summary Language 7/21/2022	5/12/2022	7.3.3 Supermajority for passage of Charter Amendments Vote to Approve 7/7/2022 13-0 Ballot Summary Language Amended and Approved 7/21/2022 BCC Resolution 8/04/2022	5/12/2022 ** 6/23/2022 ** 7/7/2022 ** 7/21/2022 ** 8/04/2022 **
11	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Article 1, Creation, Powers and Ordinance of Home Rule Charter Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
12	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Amend Article II Legislative Branch Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
13	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Article III -Executive Branch Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
14	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Section 5.2 Recall Vote to Reject 10-1 Removed 5/12/2022	5/12/2022**
15	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Section 7.4 Charter Review	05/12/2022**

2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

				Vote to Reject 7-4 Removed 5/12/2022	
16	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Non- Partisan Election Vote to Reject 8-3 Removed 5/12/2022	5/12/2022**
17	Nicolas Tomboulides	04/28/2022 Amendment 7/26/2022 Mr. Tomboulides 7/26/2022 Mr. Trettis	05/12/2022	Amend Section 2.4- Term Limits for County Commissioners Tabled 7/07/2022 Tabled 7/21/2022 Commission to Vote 8/04/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 ** 8/04/2022
#	Author	Submission Date	Introduction Date	Description	Meeting Dates
18	Victor Luebker	04/28/2022	05/12/2022	Amend Section 5.2- Recall Tabled 6/23/2022 Removed by Proponent 7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 **
19	Blaise Trettis	04/29/2022 Amended 5/19/2022 Ballot Summary Language 7/21/2022 Ballot Summary Language 8/04/2022	05/12/2022	Amend Section 5.2 Scrivener Error Voted to Approve 13-0 7/07/2022 Ballot Summary Language Approved 7/21/2022 BCC Resolution 8/04/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 ** 8/04/2022
20	Gabriel Jacobs Kierstein	04/29/2022 Amended 5/02/2022 Amended 6/30/2022	05/12/2022	Amend Article 7.4.1- Addition of subsection 3 Voted to Approve w/amended language 7/07/022 Ballot Summary Language Tabled 7/21/2022 BCC Resolution 8/04/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 ** 8/04/2022
21	Matt Nye	05/02/2022	05/12/2022	Amend Article 8 by adding Section 8.2	5/12/2022 ** 6/23/2022 **

2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

				Removed by Proponent 6/23/2022	
22	Matt Nye	5/02/2022	5/12/2022	Revise Citizen Advisory Process Vote to Rejec 2-11 Removedv7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 **
23	Matt Nye	05/02/2022	05/12/2022	Amend Article 8 Section 8.1 Withdrawn by Proponent 6/23/2022	5/12/2022 ** 6/23/2022 **
24	Jordin Chandler	05/02/2022 Amendment 7/07/2022	05/12/2022	Add New Section 1.9 to Article 1-Establish Workforce Housing Trust Fund Tabled 7/07/2022 Tabled 7/21/2022 Commission to Vote 8/04/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 ** 8/04/2022

** Denotes Public Hearing Announced

Denotes Proposal Approved Waiting on Ballot Summary Language

Denotes Removed from Consideration by Commission

Denotes 3 Public Hearings- has been tabled- no

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

(CRC:2021-2022 – 03- Full Time Commissioner)

Motion by: Vic Luebker to Strike Proposal 3 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 3- Yes/All opposed to striking proposal 3 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
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 3 Passed 15-0 on 04/21/2022

Motion to Approve Proposal

Unanimous Vote to Strike Proposal 3

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 04- Revise Citizen Process)

Motion by: Vic Luebker to Strike Proposal 4 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 4- Yes/All opposed to striking proposal 4 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
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 4 Passed 14-1 on 04/21/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 02- Recall Election of School Board Members)

Motion by: Kendall Moore to Strike Proposal 2 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 2- Yes/All opposed to striking proposal 2 say No

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

Original Motion Made by Sue Schmitt to Amend Proposal 2 by Striking Mr. Trettis language and inserting Florida Law. Mr. Trettis did not want proposal Amended, Sue Schmitt withdrew Motion.

Motion to Strike Proposal 2 Passed 6-5 on 05/12/2022

Motion

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

2021-2022 Brevard County Charter Review
Record of Vote

(CRC:2021-2022 – 07- Repeal Article 8 and Section 8.1)

Motion by: Kendall Moore to Strike Proposal 7 from Consideration

Second by: Sue Schmitt

All those in favor of striking Proposal 7- Yes/All opposed to striking proposal 7 say No

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

Motion to Strike Proposal Passed on

Motion to Strike Proposal 7 Failed on 05/12/2022 4-7

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 09- Term Limits)

Motion by: Matt Nye to Strike Proposal 9 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 9- Yes/All opposed to striking proposal 9 say No

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

Motion to Strike Proposal 9- Term Limits Passed 6-5 on

05/12/2022 Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 11- Article 1, Creation, Powers and Ordinance

Motion by: Sue Schmitt to Strike Proposal 11 from Consideration

Second by: Marie Rogerson

All those in favor of striking Proposal 11- Yes/All opposed to striking proposal 11 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
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 11- Article 1-{Change Name of Brevard County} Passed 11-0 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 12- Amend Article II Legislative Branch)

Motion by: Sue Schmitt to Strike Proposal 12 from Consideration

Second by: Matt Nye

All those in favor of striking Proposal 12- Yes/All opposed to striking proposal 12 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
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 12- Amend Article II-{Legislative Branch} Passed 11-0

on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

2021-2022 Brevard County Charter Review
Record of Vote

(CRC:2021-2022 – 13- Article III Executive Branch)

Motion by: Sue Schmitt to Strike Proposal 13 from Consideration

Second by: Matt Nye

All those in favor of striking Proposal 13- Yes/All opposed to striking proposal 13 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
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 13- (Amend Article II-{Executive Branch}) Passed 11-0

on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

2021-2022 Brevard County Charter Review

Record of Vote

(CRC:2021-2022 – 14- Section 5.2 Recall)

Motion by: Sue Schmitt to Strike Proposal 14 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 14- Yes/All opposed to striking proposal 14 say No

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

Motion to Strike Proposal 14- (Section 5.2 Recall) Passed 10-1 on 05/12/2022

Motion to Approve Proposal

Matt Nye Voting No

Brevard County Charter Review Commission

ATTEST:



Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 15- Section 7.4)

Motion by: Sue Schmitt to Strike Proposal 15 Section 7.4 Charter Review Commission from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 15- Yes/All opposed to striking proposal 15 say No

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

Motion to Strike Proposal 15-(Section 7.4 Charter Review Commission)Passed 7-4 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST:

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

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

(CRC:2021-2022 – 16- Non -Partisan Election)

Motion by: Matt Nye to Strike Proposal 16 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 16- Yes/All opposed to striking proposal 16 say No

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

Motion to Strike Proposal 16- {Non-Partisan Election} Passed 8-3 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST:

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

2021-2022 Brevard County Charter Review
Record of Vote

(CRC:2021-2022 – 1- Charter Cap)

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

Motion to Strike Proposal 1- Charter Cap Passed 8-6 on 06/23/2022

Motion to Approve Proposal 1

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

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 5- Yes/All opposed to proposal 5 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

2021-2022 Brevard County Charter Review
Record of Vote

(CRC:2021-2022 –6- Right to Clean Water)

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

Second by:

All those in favor of Proposal 6- Yes/All opposed to proposal 6 say No

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

Motion to Strike Proposal 6- Right to Clean Water Passed 10-4 on 06/23/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

2021-2022 Brevard County Charter Review

Record of Vote

(CRC:2021-2022 Proposal 7- Repeal Article 8 and Section 8.1)

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

Second by:

All those in favor of Proposal 7- Yes/All opposed to proposal 7 say No

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

Motion to Strike Proposal 7 Repeal Article 8 and Section 8.1 Passed 13-1 on 06/23/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

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

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

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 Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

**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

2021-2022 Brevard County Charter Review

Record of Vote

(CRC:2021-2022 – Proposal 20- Section 7.4.1 Add Subsection 3- Three Attorney Review Panel)

Motion by: Completion of 3rd Public Hearing-Commission Decided 07-07-2022 to vote. Commission had no objection to Mr. Kierstein changing 30 days to 15 days in the language.

Also following a proposed amendment from Mr. Jenkins to revise to say the County Commission had the final say after the Charter Review Commission selected the Three Attorney Panel- Voice Vote of Nay's have the vote. That proposed amendment failed.

All those in favor of Proposal 20- Yes/All opposed to proposal 20 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	N
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 20-

Motion to Approve Proposal 20 -Section 7.4.1 Add Subsection 3-Three Attorney Review Panel

Motion Approved 12-1

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

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

(CRC:2021-2022 – Proposal 22- Revise Citizen Advisory Process)

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

Second by:

All those in favor of Proposal 22-Yes/All opposed to proposal 22 say No

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

Motion to Strike Proposal 22- Revise Citizen - **Motion to Strike Proposal 10-2**

Motion to Approve Proposal 22 Failed

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022



2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

MEETING DATE:

AGENDA ITEM NUMBER:

SUBJECT:

PETITIONER CONTACT:

REQUESTED ACTION:

SUMMARY EXPLANATION & BACKGROUND:

Staff Contact:

Melissa Brandt

Telephone Number:

(321) 301-4438

Email Address:

Melissa.Brandt@brevardfl.gov



2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

SUMMARY EXPLANATION & BACKGROUND CONTINUED:

County Charter Provision Comparisons

Updated December 2020

LEGISLATIVE BODY										
County	Size	How Elected	Partisan Election -- Y/N	Length of Term	Term Limitation	Adjustments to Salary	Separates Legislative & Executive Functions	Specifie s Non- Interfe- rence Clause	Administra- tive Code Required	Recall
Alachua	5	District (§2.2)	Silent	4	N	Statute	Y (§2.1)	N	Y(§2.2)	Y (§2.2)
Brevard	5	District (§2.1;2.3)	Silent	4 (§2.4)	2 (§2.4)	Ordinance (even-numbered years)(§2.6)	Y (§1.5)	Y (§3.4)	Y (§2.10.2)	Y (§5.2)
Broward	9	District (§2.01(A)1)	Y (§2.01(B))	4	3 (§2.02)	Statute (§2.01(D))	Y (§1.02(c))	Y(§2.07)	Y (§2.13)	Y (§1.04(M))
Charlotte	5	District/At Large (§2.2)	Silent	4	Silent	Statute	Y	Y	Y	Y
Clay	5	District	Silent	4	2	Charter (majority vote in general election)	Y	Y	Y	Y
Columbia	5	District (§2.1)	N (§2.3;5.3)	4	N	Statute (§2.5)	Y (§1.6)	Y (§3.4)	Y (§2.8(6))	Y
Duval	19	14 District/5 At Large (§5.02)	Silent	4 (§5.03)	2 (§5.041)	Charter (§5.04, 9.12)	Y (§4.01)	N	Y	Y (§15.01)
Hillsborough	7	4 District/3 At Large (§4.03)	Y	4		Ordinance (§4.07)	Y (§3.01)	N	Y (§7.01)	Y (§9.08)
Lee	5	District/At Large (§2.2(A))	Y (§ 2.2A)	4	3	Statute (§2.2(C))	Y (§2.1)	Y (§2.2(I))	Y (§2.2(E))	Y (§2.2(G))
Leon	7	5 District/2 At Large (§2.2(1))	N	4	Silent	Ordinance (§2.2(3))	Y (§§1.8, 2.1)	Y	Y (§2.2(6))	Y (§4.2)
Miami-Dade	13	13 District (§1.04)	N (§3.3)	4 (§3.01)	2 (§3.01(E))	Charter (§1.06)	Y (§1.01,§2.02)	Y (§4.04)	Y (§1.02(H))	Y (§8.02)
Orange	7	6 District/Mayor-At Large (§201)	N (§605)	4 (§204(A))	2 §(204(B))	Ordinance (§2.05)	Y (§108)	Y (§212)	Y (§211)	Y (§604)

County Charter Provision Comparisons

Updated December 2020

LEGISLATIVE BODY										
County	Size	How Elected	Partisan Election -- Y/N	Length of Term	Term Limitation	Adjustments to Salary	Separates Legislative & Executive Functions	Specifie s Non- Interfe- rence Clause	Administra- tive Code Required	Recall
Osceola	5	District/At Large (\$2.2(A))	Silent	4	Silent	Statute (\$2.2(C))	Y (\$2.1)	Silent	Y (\$2.2)(E))	Y (\$2.2(G))
Palm Beach	7	District (\$2.2)	Y-except non-partisan for property app, sheriff, sup. of elections (\$4.1.a)	4	2	Statute	Y (\$2.1)	Y (\$2.5)	Y (\$2.4)	Y (\$5.2)
Pinellas	7	4 District/3 At Large (\$3.01)	Silent	4	Silent	Statute (\$3.01)	Y (\$3.01,\$4.01 (c))	N	Silent	Silent
Polk	5	District/At Large (\$2.1)	Y (\$5.2.1)	4 (\$2.4)	12 (\$2.3)	Charter (\$2.5)	Y (\$1.6)	Y (\$3.4)	Y (\$2.10)	Y (\$6.2)
Sarasota	5	District/At Large (\$2.1A)	Silent	4 (\$2.1A)	2 (\$2.1A)	Charter (\$2.1B)	Silent	Y	Y	Y
Seminole	5	District/At Large (\$2.2A)	Silent	4 (\$2.2A)	Silent	Ordinance	Y (\$2.1)	Y (\$2.2(l))	Y(\$2.2E)	Y(\$2.2G)
Volusia	7	5 District/1 At Large/1 Chair At Large (elected) (\$301)	N (\$904)	4 (\$303.1)	2 (\$303.5)	Charter (\$304)	Y (\$203)	Y (\$404)	Y (\$308.1)	Silent
Wakulla	5	District/At Large (\$2.1)	Silent	4 (\$2.4)	N	Statute (\$2.5)	Y (\$1.6)	Y (\$3.4)	Y (\$2.8,2.9)	Y (\$6.2)

EXECUTIVE BRANCH									
County Executive									
County	Selection of County Executive	Method of Appointment	Method of Termination	With or Without Cause	Terms/ Conditions of Employment	Powers and Duties	Appointment of Dept. Heads	Termination of Department Heads	With or Without Cause
Alachua	Appointed	Majority (§2.3(A)(2))	Majority vote, after hearing if requested by CM (§2.3(A)(2))	Silent	Ordinance	Charter/ Ordinance	Cty Mgr/BoCC majority vote confirmation (§2.3(B)(1))	Cty Manager (§2.3(B)(2))	Either
Brevard	Appointed	Silent	Silent	Silent	Contract	Charter (§3.3)	Mgr/BoCC Approval (§4.5.1)	Manager (§4.5.1)	Either (§4.5.1)
Broward	Appointed	6/9	Majority	Silent	Silent	Charter	Adm/BoCC Majority Approval	Administrator	Silent
Charlotte	Appointed (§2.3(A)(1))	4/5 (§2.3(A)(2))	4 outright or 3 out of 5 @ at 2 meetings 2 weeks apart (§2.3(A)(4))	Either (§2.3(A)(4))	Ordinance (§2.3(A)(2))	Charter (§2.3(A)(1))	Adm/BoCC Advice & Consent (§2.3(B)(1))	Administrator (§2.3(B)(2))	Either (§2.3(B)(2))
Clay	Appointed (§2.3(A)(1))	Majority (§2.3(A)(1))	Majority (§2.3(A)(1))	Either (§2.3(A)(1))	Silent	Charter (§2.3(A)(1))	Administrator (§2.3(B)(1))	Manager/ BCC appeal (§2.3(B)(2))	Either (§2.3(B)(2))

EXECUTIVE BRANCH									
				County Executive					
County	Selection of County Executive	Method of Appointment	Method of Termination	With or Without Cause	Terms/ Conditions of Employment	Powers and Duties	Appointment of Dept. Heads	Termination of Department Heads	With or Without Cause
Columbia	Appointed	Majority (§2.8(1))	Majority/at 2 meetings or super-majority at one meeting (§2.8(1))	Either	Contract (§3.2) subject to annual review by BoCC	Charter (§3.3)	Manager (§3.3(10))	Manager (§3.3(10);§4.2)	Either/BoCC approval; Dept Head can appeal to BoCC (§4.2)
Duval	Mayor Elected (§6.01)	4 years	Silent	Silent	Silent	Silent	Mayor/Council Confirmation	Silent	Silent
Hillsborough	Appointed (§5.01)	5/7(§5.03(1))	5 or 4 @ 2 meetings (§5.03(1))	Either (§5.03(1))	Ordinance (§5.03(2))	Silent	Adm w/BoCC Consent (§5.01)	Administrator (§5.01)	Either (§5.01)
Lee	Appointed (§2.3(A)(1))		Majority (§2.3(A)(1))	Either (§2.3(A)(1))	Contract	Charter (§2.3(A)(1))	Manager (§2.3(B))	Manager (§2.3(B))	Either (§2.3(B))

EXECUTIVE BRANCH									
County Executive									
County	Selection of County Executive	Method of Appointment	Method of Termination	With or Without Cause	Terms/ Conditions of Employment	Powers and Duties	Appointment of Dept. Heads	Termination of Department Heads	With or Without Cause
Leon	Appointed (§2.3(1))	Majority + 1	Majority +1	Silent	Contract	Charter (§2.3(1)(A))	Administrator does not include county attorney and TDC staff (§2.3(2))	Administrator (§2.3(2))	Either (§2.3(2))
Miami-Dade	Mayor Elected (§2.02)	Elected-2 time term limit				Charter	Mayor	Mayor	
Orange	Mayor Elected (§3.02)	Elected				Charter	Mayor	Mayor	
Osceola	Appointed (§2.3(A)(1))	Majority	Silent	Silent	Silent	Charter (§2.2(A)(1))	Adm w/BoCC Advice & Consent	Administrator (§2.2(B)(2))	Either (§2.2(B)(2))
Palm Beach	Appointed (§2.4)	Majority (§2.4)	Silent	Silent	Silent	Charter	Adm/w BoCC Advice & Consent (§4.2)	Silent	Silent

EXECUTIVE BRANCH									
County Executive									
County	Selection of County Executive	Method of Appointment	Method of Termination	With or Without Cause	Terms/ Conditions of Employment	Powers and Duties	Appointment of Dept. Heads	Termination of Department Heads	With or Without Cause
Pinellas	Appointed	5/7 (§4.01(a))	4/5 at 2 meetings (§4.01(a))	Silent	Silent	Charter (§4.01(C))	Adm/BoCC Approval for unclassified positions (§4.01(C)(2))	Adm/BoCC Approval for unclassified positions (§4.01(C)(3))	With
Polk	Appointed	Majority of entire commission (§2.8(1))	Majority at 2 meetings (§2.8(1))	Silent	Contract (§3.2)	Charter	Adm/BoCC Approval (§4.2)	Administrator (§4.2)	Either (§4.2)
Sarasota	Appointed (§2.6A)	4/5 (§2.6B)	4 or 3/5 @ 2 meetings 3 weeks apart (§2.6B)	Silent	Silent	BCC and Charter (§2.6F)	Adm/BoCC Confirmation (§2.6F)	Adm/BoCC Confirmation (§2.6F)	Either (§2.6F)
Seminole	Appointed (§2.3(A)(1))	Majority	Majority	Either (§2.3(A)(1))	Silent	Charter (§2.3(A))	Adm/BoCC Confirmation (§2.3(B))	Administrator	Either
Volusia	Appointed (§401)	Silent	Silent	Silent	Silent	Charter (§403)	Adm/Council Approval (§602)	Silent	Silent

EXECUTIVE BRANCH									
				County Executive					
County	Selection of County Executive	Method of Appointment	Method of Termination	With or Without Cause	Terms/ Conditions of Employment	Powers and Duties	Appointment of Dept. Heads	Termination of Department Heads	With or Without Cause
Wakulla	Appointed (§3.1)	Silent	Silent	Silent	Contract (§3.2)	Charter (§3.3)	Silent	Silent	Silent

COUNTY ATTORNEY					
County	Method of Appointment	Method of Termination	With or Without Cause	Appointment of Assistant County Attorneys	Termination of Assistant County Attorneys
Alachua	BoCC (§2.3(C))	Silent	Either (§2.3(C))	Silent	Silent
Brevard	BoCC	Silent	Silent	Silent	Silent
Broward	BoCC (§2.10)	Silent (§2.10)	Silent (§2.10)	County Atty (§2.10(C))	Silent
Charlotte	BoCC (§2.3(D))	Silent	Silent	Silent	Silent
Clay	Majority (§2.3(C)(1))	Majority (§2.3(C)(1))	Either (§2.3(C)(1))	County Attorney (§2.3(C)(2))	County Attorney (§2.3(C)(2))
Columbia	Elected Non-Partisan	Not Applicable	Not Applicable	County Attorney	County Attorney
Duval	Mayor/Council Confirm (§7.03)	Mayor or Council (§7.06)	With/Council Confirm (§7.206)	General Counsel (§7.207)	Silent
Hillsborough	5 (§6.03(1))	5 or 4 @ 2 meetings (§6.03(1))	Either (§6.03(1))	County Attorney (§6.01)	County Attorney (§6.01)
Lee	Majority (§2.3(C)(1))	Majority (§2.3(C)(1))	Either (§2.(C)(1))	County Attorney (§2.(C)(5))	County Attorney (§2.3(C)(5))
Leon	BoCC (§2.4)	Silent (§2.3)	Either (§2.4.1)	Silent	Silent
Miami-Dade	BoCC subject to Mayor veto/override (§5.06)	Silent	Silent	County Attorney (§5.06)	Silent
Orange	Silent	Silent	Silent	Silent	Silent

COUNTY ATTORNEY					
County	Method of Appointment	Method of Termination	With or Without Cause	Appointment of Assistant County Attorneys	Termination of Assistant County Attorneys
Osceola	Majority (§2.3(C))	Silent	Silent	Co Atty subject to budget approval (§2.3(C))	Silent
Palm Beach	BoCC (§4.3)	Silent	Silent	County Attorney subject to budget approval (§4.3)	Silent
Pinellas	County Attorney Oversight Committee (§4.2(a))	Silent	Silent	Co Atty/BoCC App (§4.02(6))	Silent
Polk	BoCC (§4.3)	Majority (§4.3)	Silent	Silent	Silent
Sarasota	BoCC (§2.7)	Silent	Silent	Silent	Silent
Seminole	Majority (§2.4)	Majority (§2.4)	Either (§2.4)	County Attorney (§2.4)	County Attorney (§2.4)
Volusia	Council (§III.A.1)	Silent	Silent	Silent	Silent
Wakulla	BoCC (§4.1)	Silent	Silent	Silent	Silent

ELECTED CONSTITUTIONAL OFFICERS				
County	Affects Status of Elected Constitutional Officers	Describe Change	Does Charter Provide for Recall of Elected Officials	School Board
Alachua	N (§3.1)		Silent	
Brevard	Y (§4.1;4.2)	Makes them county officers (§7.23)	Y (§4.1.2; §5.2)	Elections procedures (§8.1)
Broward	Y (§3.06)	Abolished Tax Coll/Clerk Audit Functions Now Dept. of Financial Svcs & Adm	Silent	
Charlotte	N (§3.1)		Silent - residency requirements (§3.1)	
Clay	Y (§3.1)	Manager is Board Clerk and performs Clerk finance functions (§2.3 (4)(1)f); creates a Commission Auditor; constituional officers term limits (§2.3 (D))	Y (§3.2)	
Columbia	N (§5.1)		Silent	
Duval	Y	Mayor Elected; Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections - elected charter offices (2 term limits)	Y (§15.01)	Y (Article 13)
Hillsborough	N (§1.02)		Silent	
Lee	Y (§3.1)	SOE: Non-Partisan §§3.1;3.2 (A)	Silent	
Leon	Y (§3.1)	SOE: Non-Partisan §3.2 (A)	Silent	
Miami-Dade	Y (§9.01)	Sheriff abolished; Tax Collector and Clerk finance functions now Dept. of Financial Administration; transferred functions to Mayor; elected Property Appraiser	Y (§8.02)	

ELECTED CONSTITUTIONAL OFFICERS				
County	Affects Status of Elected Constitutional Officers	Describe Change	Does Charter Provide for Recall of Elected Officials	School Board
Orange	Y (§703)	Clerk of Court/Comptroller; removes charter status of Property App; Tax Collector; SOE; Sheriff and reinstates constitutional status (§703); Sheriff, Property Appraiser, SOE and Clerk of Court into nonpartisan, elected charter officers subject to term limits of 4 consecutive year terms, abolishing status as constitutional officers	Silent	
Osceola	Y (§3.1)	Clerk functions transferred to Manager	Silent	
Palm Beach	Y (§4.1.a)	Property Appraiser; Sheriff; Supervisor of Elections - nonpartisan	Silent	
Pinellas	N (§4.03)		Silent	
Polk	Y (§5.1; 5.2)	Non-partisan for Clerk, Property Appraiser, Supervisor or Elections, Sheriff, Tax Collector	Silent	
Sarasota	Y (§2.4)	4 Yr Term Limits for Constitutional Officers	Y	
Seminole	N (§3.1)		Silent	
Volusia	Y (§601.1)	Tax Coll/Clerk now Dept. of Finance & Adm; Sheriff, SOE, Property Appraiser Appointed as Department Directors	Silent	
Wakulla	N (§5.1)		Silent	

INITIATIVE TO ENACT, AMEND OR REPEAL COUNTY ORDINANCES						
County	% of Registered Electors Required on Petition	Time Limitation to Gather Signatures	Time Limit for County Commission to Take Action	If Referendum is Required it will be scheduled at:	Limitation on Subject Matter for Initiative Petitions	Approval as to Form
Lee	5% (§2.2(H)(1))	180 days (§2.2(H)(2))	45 days (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Leon	10% (§4.1(1))	1 year (§4.2(2))	60 days (§4.2(3))	General Election (§4.2(3))	Specified in charter (§4.2(4))	Y
Miami-Dade	4% (§8.01)	120 days	60 days after legal review report	Next Countywide Election or if 8% signatures, special election	Specified in charter	Y
Orange	7% (§601(B))		30 days (§602(B))	Next election, 45 days after Res by BoCC (§602(B))	Specified in charter (§603)	Y (§602)
Osceola	7% (§2.2(H)(1))	180 days (§2.2(H)(2))	60 days (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Palm Beach	7% (§5.1)	Silent	45 days subject to verification by SOE (§5.1)	General Election (§5.1)	Specified in charter (§5.1)	Silent
Pinellas	Silent	Silent	Silent			

INITIATIVE TO ENACT, AMEND OR REPEAL COUNTY ORDINANCES

County	% of Registered Electors Required on Petition	Time Limitation to Gather Signatures	Time Limit for County Commission to Take Action	If Referendum is Required it will be scheduled at:	Limitation on Subject Matter for Initiative Petitions	Approval as to Form
Polk	6% (§6.1)	1 year (§6.1.1)	60 days (§6.1.2)	General Election (§6.1.2)	Specified in charter (§6.1.3)	Silent
Sarasota	Silent					Silent
Seminole	5% (§2.2(H)(1))	6 mos (§2.2(H)(2))	60 (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Volusia	Silent				Silent	Silent
Wakulla	30% (§6.1)	6 mos (§6.1.1)	60 days (§6.1.2)	General Election (§6.1.2)	Specified in charter (§6.1.3)	Silent

METHODS TO AMEND CHARTER AMENDMENT BY PETITION						
County	Subject Matter Exclusions	% of Registered Electors Required on Petition	Time Limit to Gather Signatures	Referendum Will Be Scheduled	Voting Requirements	Other
Alachua		10% (§4.2(A)(1))	180 days (§4.2(A)(2))	General Election (§4.2(A)(1))	Majority (§4.2(A)(3))	
Brevard	Y (§7.3.2.1)	4% (§7.3.2)	9 mos (§7.3.2.4;§5.1.1)	Special Election (§7.3.3)	Majority (§7.3.3)	
Broward		7%	180 days	See charter (§7.01(G)(1)&(2))	Majority (§7.01(I))	
Charlotte		10% (4.2(B)(1))	90 days (4.2(B)(1))	General Election (§4.2(B)(1))	Majority (§4.2(B)(3))	
Clay		10%(§4.2(A)(1))	180 days (§4.2(A)(3))	General Election (§4.2(A)(2))	Majority (§4.2(A)(4))	
Columbia		10% (§8.3.2(2))	6 mos (§8.3.2)	General Election (§8.3.3)	Majority (§8.3.3)	
Duval		5% (§18.05(a))	180 days	Next Countywide General Election (§18.05(h))	Majority (§18.05)	
Hillsborough		8% (§8.03(1))	6 mos (§8.03(1))	General Election (§8.04)	Majority (§8.04)	
Lee		7% (§4.1(A)(1))	90 days (§4.1(A)(2))	General Election (§4.1(A)(4))	Majority (§4.1(A)(4))	
Leon		10% (§5.2(1)(A))	1 year (§5.2(1)(A))	General Election (§5.2(1)(B))	Majority (§5.2(1)(B))	
Miami-Dade	N	10% (§9.07(A))	Silent	General Election	Majority (§9.07(D))	
Orange	N	10% (§601(A))	180 days (§601(A))	Next General Election (§602(A))	Majority (§602(A))	Providing for single subject, legal review, comptroller prepared financial impact statement and public hearing requirements; ensuring equal percentage of signatures from all commission districts
Osceola	N	10% (§4.2(A)(1))	180 days (§4.2(A)(2))	Special Election (§4.2(A)(1))	Majority (§4.2(A)(3))	
Palm Beach	N	7% (§6.3)	Silent	General Election or presidential primary (§6.3)	Majority (§6.3)	
Pinellas	N	8%(§6.02(1))	240 days (§6.02(2))	General Election or special call referendum (§6.02(1))	Majority (§6.02(1))	Brief financial impact statement prepared by county auditor placed on ballot with proposed charter amendment
Polk	Y (§8.3.2)	7% (§8.3.2)	1 year (§8.3.2, §6.1.1)	General Election - cannot be held sooner than 60 days after amendment proposed or validated (§8.3.3)	60% (§8.3.3)	60% (§8.3.3)
Sarasota	N	10% (§7.1)	Silent	General Election (§7.1)	Majority (§7.1)	Majority (§7.1)

METHODS TO AMEND CHARTER AMENDMENT BY PETITION						
County	Subject Matter Exclusions	% of Registered Electors Required on Petition	Time Limit to Gather Signatures	Referendum Will Be Scheduled	Voting Requirements	Other
Seminole	N	7.5% residing in 3/5 (§4.2(A)(1))	6 mos (§4.2(A)(2))	General Election (§4.2(A)(1))	Majority (§4.2(A)(3))	Majority (§4.2(A)(3))
Volusia		5% (§1302.2)	Silent	General Election (§1302.3)	Majority (§1302.3)	Majority (§1302.3)
Wakulla	Y (§7.3.2)	30% (§7.3.2)	6 mos (§7.3.2, §6.1.1)	General Election (§7.3.3)	Majority (§7.3.3)	Majority (§7.3.3)

AMENDMENT BY CHARTER REVIEW COMMISSION

County	Appointment of Charter Review Commission Specified in Charter?	When Appointed	Size of Commission	Election Scheduled	Voting Requirements of Commission	Financial Impact Statements
Alachua	Y (§4.2(B))	Every 10 years (§4.2(B)(1))	11-15 (§4.2(B)(1))	General Election (§4.2(B))	Majority (§4.2(B)(5))	Silent
Brevard	Y (§7.4)	Every 6 years (§7.4)	15 (§7.4)	Special Election (§7.4.1)	Majority (§7.4.1)	Silent
Broward	Y	Every 12 years	19	General Election	2/3 vote (§6.02)	Y (§11.07)
Charlotte	Y (§4.(C)(1))	Every 6 years (§4.2(C)(1))	15/ 3 alternate (§4.2(C)(1))	General Election (§4.2(C)(1))	Majority (§4.2(C)(5))	Silent
Clay	Y (§4.2(B)(1))	Every 4 years (§4.2(B)(1))	15/5 alternates (§4.2(B)(1))	General Election (§4.2(B)(5))	Majority (§4.2(B)(5))	
Columbia	Y (§8.4)	Every 8 years (§8.4)	Silent	General Election (§8.4(3))	Silent	Silent
Duval	N					
Hillsborough	Y	Every 5 years (§8.02)	14 (§8.02)	General Election (§8.04)	2/3 vote (§8.04)	Y

AMENDMENT BY CHARTER REVIEW COMMISSION						
County	Appointment of Charter Review Commission Specified in Charter?	When Appointed	Size of Commission	Election Scheduled	Voting Requirements of Commission	Financial Impact Statements
Lee	Y	Every 8 years (§4.1(B)(1))	15 (§4.1(B)(1))	General Election (§4.1(B)(4))	Majority (§4.1(B)(4))	N
Leon	Y	Every 8 years (§5.2(2)(A))	BoCC decides	General Election (§5.2(2)(A))	Silent	Silent
Miami-Dade	N					
Orange	Y (§7.02)	Every 4 years (§7.02(B))	11-15 (§7.02(A))	General Election (§7.02(B))	Silent	
Osceola	Y(§4.2(C)(1))	Every 4 years (§4.2(C)(1))	11 (§4.2(C)(2))	Silent	2/3 vote (§4.2(C)(8))	Silent
Palm Beach	N					
Pinellas	Y	Every 8 years (§6.03(a))	13 (§6.03(a))	General Election (§6.03(c))	Silent	Y (§6.06)

AMENDMENT BY CHARTER REVIEW COMMISSION

County	Appointment of Charter Review Commission Specified in Charter?	When Appointed	Size of Commission	Election Scheduled	Voting Requirements of Commission	Financial Impact Statements
Polk	Y	Every 8 years (§8.04)	13 (§8.4)	General Election (§8.4)	Silent	Silent
Sarasota	Elected (§2.8A)	4 year terms (§2.8A)	10 (§2.8A)	Next Countywide Election (§7.1)	2/3 (§2.8B)	Silent
Seminole	Y (§4.2(B))	Every 6 years (§4.2(B)(1))	15 (§4.2(B)(1))	General Election (§4.2(B)(1))	Majority (§4.2(B)(4))	Silent
Volusia	Y (§1303)	Every 10 years (§1303)	According to general law (§1303)	General Election (§1303)	Silent	Silent
Wakulla	Y (§7.4)	Every 8 years (§7.4)	15 (§7.4)	General Election (§7.4)	Not less than 10 members (§7.4)	Silent

CHARTER AMENDMENT BY COUNTY COMMISSION

County	Amendment Proposed by Ordinance Approved by	Referendum Will Be Scheduled	Voting Requirements
Alachua	Majority + 1 (§4.2(C)(1))	General Election (§4.2(C)(2))	Majority (§4.2(C)(2))
Brevard	Not less than 4 (§7.3.1)	Special/concurrent with countywide	Majority
Broward	Majority + 1 (§2.06)	General Election	Majority
Charlotte	Majority (§4.2(A))	General Election (§4.2(A))	Majority (§4.2(A))
Clay	Majority (§4.2(C)(1))	Next General or Special Election (§4.2(C)(1))	Majority (§4.2(C)(1))
Columbia	Majority + 1 (§8.3.1)	General Election (§8.3.3)	Majority (§8.3.3)
Duval	Silent	Silent	Silent
Hillsborough	5 (§8.01)	Special Election or Regular Election as directed by BoCC (§8.04)	Majority (§8.04)
Lee	Majority (§4.1(C)(1))	General Election (§4.1(C)(2))	Majority (§4.1(C)(2))
Leon	Majority + 1 (§5.2(3)(A))	General Election (§5.2(3)(A))	Majority (§5.2(3)(B))
Miami-Dade	Resolution of BoCC (§9.07(A))	General Election	Majority
Orange	Majority (§7.01)	Primary, General or Special Election (§7.01)	Silent

CHARTER AMENDMENT BY COUNTY COMMISSION

County	Amendment Proposed by Ordinance Approved by	Referendum Will Be Scheduled	Voting Requirements
Osceola	Majority + 1 (§4.2(B)(1))	Special Election (§4.2(B)(1))	Majority (§4.2(B)(1))
Palm Beach	4 (§6.3)	Presidential Election Ballot (§6.3)	Majority (§6.3)
Pinellas	Majority + 1 (§6.01)	Next Countywide or Special Election (§6.01)	Majority (§6.01)
Polk	Majority + 1 (§8.3.1)	General Election (§8.3.3)	60% (§8.3.3)
Sarasota	Silent	Special Election (§7.1)	Majority (§7.1)
Seminole	Majority (§4.2(C)(1))	General Election (§4.2(C)(1))	Majority (§4.2(C)(1))
Volusia	2/3 vote of Council (§1302.1)	General Election (§1302.3)	Majority (§1302.3)
Wakulla	Majority + 1 (§7.3.1)	General Election (§7.3.3)	Majority (§7.3.3)

INTERGOVERNMENTAL RELATIONS	
County	"
Alachua	Municipal ordinances prevail in event of conflict. Environmental - Ordinances that establish different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, the more stringent will apply inside a municipality. The less stringent standards still apply as well. (§1.4) Land use planning - Each municipality responsible for planning inside municipal boundaries; county for unincorporated area. County and a city may, by interlocal, agree to provide for joint planning under certain circumstances. (§1.5) County Growth Management Area - charter amended to establish a countywide "County Growth Management Area" and county's comp plan and land development regulations will govern land
Brevard	Municipal ordinances prevail except as otherwise provided by state or federal law. (§1.7)
Broward	Municipal ordinances prevail except when the county ordinance relates to (1) setting minimum standards protecting the environment through the prohibition or regulation of air/water pollution, or the destruction of resources in the county belonging to the general public; (2) land use planning ; (3) regulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics ; (4) handgun management (§2.12)
Charlotte	Municipal ordinances prevail except for countywide ordinances relating to (1) impact fees to pay the cost of county facilities or (2) countywide comp plan or countywide comp plan elements and countywide LDRs as defined by Ch. 163 , Part II, Fla. Stat., as amended by the Legislature.
Clay	Municipal ordinances prevail.
Columbia	Municipal ordinances prevail except the county may, by ordinance, adopt minimum countywide standards for (1) regulating adult entertainment ; (2) protecting the environment by regulating air or water pollution; (3) outdoor burning ; (4) hours of sales of alcoholic beverages ; (5) animal control ; (6) firearms and weapons and; (7) protection of level of service standards for county maintained roads . Municipal ordinances in these areas can be stricter than the county minimum and apply. (§1.8)
Duval	Consolidated government.
Hillsborough	Municipal ordinances prevail. (§4.09) Planning - Charter establishes a single planning agency for cities and county to be created by special act without a referendum; responsible for comp planning and related activities as are committed to it by general or special law. (§9.09) Environmental protection - Charter establishes a single local environmental protection commission to be created by special act without a referendum.(§9.10)
Lee	Municipal ordinances prevail (§1.4); minimum environmental regulations (§1.6)
Leon	Municipal ordinances prevail. (§1.6)
Miami-Dade	Charter has power to preempt all municipal powers. (§§6.01, 6.02)

INTERGOVERNMENTAL RELATIONS	
County	"
Orange	Municipal ordinances generally prevail. Exceptions: County ordinances prevail when the county sets minimum standards for (1) regulating adult entertainment ; (2) protecting the environment by prohibiting or regulating air/water pollution, and only to extent that minimum standards are stricter than municipal ones; and (3) prohibiting or regulating simulated gambling or gambling. (§704) Voluntary annexation -Charter preempts ability to annex certain "preservation districts" to the county. (§505)
Osceola	Municipal ordinances prevail to extent of conflict. In the absence of conflict, county ordinances shall be effective inside municipalities when such intent is expressed by county ordinance. (§1.4) Casino gambling reserved to the people. (§1.5)
Palm Beach	<ul style="list-style-type: none"> •Municipal ordinances prevail to extent of conflict, except that county ordinances shall prevail over (1) matters relating to protection of wells and well fields; (2) matters relating to schools, county-owned beaches, district parks and regional parks, solid waste disposal, county law enforcement, and impact fees for county roads and public buildings; in matters related to county fire-rescue impact fees and county library impact fees in those municipalities whose properties are taxed by the county for library and/or fire-rescue services, respectively; (3) for adoption and amendment of countywide land use element; (4) matters related to establishment of levels of service for collector and arterial roads which are not the responsibility of any municipality; (5) voluntary annexation and (6) ethics regulation .
	<p>the restriction of the issuance of development orders which would add traffic to such roads which have traffic exceeding the adopted level of service, provided that such ordinance is adopted and amended by a majority of the county commission; and (5) voluntary annexation. (§1.3) Protection of Health, Safety and Welfare of all residents of county. County may adopt appropriate ordinances to accomplish these purposes. (§3.3)</p> <ul style="list-style-type: none"> •Both county and municipal approval of charter amendments when they affect municipal power or function.(§6.3)
Pinellas	The county has all special and necessary power to furnish within the various municipalities the services and regulatory authority listed here: (1) development and operation of 911 emergency communication system; (2) development and operation of solid waste disposal facilities, exclusive of municipal collection systems; (3) development and operation of regional sewer treatment facilities in accordance with federal law, state law, and existing or future interlocal agreements, exclusive of municipal systems; (4) acquisition, development and control of county-owned parks, buildings, and other county owned parks; (5) public health or welfare services or facilities; (6) operation, development and control of St. Pete-Clearwater airport;(7) design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area; (8) design, construction and maintenance of county roads; (9) implementation of consumer protection regulations and protections; (10) animal control; (11) civil preparedness; (12) fire protection for unincorporated areas; (13) motor vehicle inspections;

INTERGOVERNMENTAL RELATIONS	
County	"
	<p>(14) water distribution, exclusive of municipal systems and in accordance with interlocals; (15) charitable solicitations regulations; (16) provide municipal services in unincorporated areas; (17) all powers necessary to transfer functions and powers of other governmental agencies; (18) special one-rule tax to acquire beachfront and other property for recreational use; (19) countywide planning, as provided by special law; (20) voluntary annexation procedures, including lands available for annexation, to the extent provided by general law. (§2.04)</p> <p>Annexation - Nothing in the charter prevents a municipality from annexing an unincorporated area, except that all annexations shall be in accordance with the exclusive method and criteria for voluntary annexation, including delineation of areas eligible for annexations adopted by ordinance under the authority elsewhere in charter. (§2.07)</p> <p>County can furnish additional services to the municipalities when the municipality requests it and BoCC approves. (§2.05) Certain powers of county limited. (§2.06)</p>
Polk	Municipal ordinances prevail. (§1.8)
Sarasota	Generally, municipal ordinances prevail except with respect to comprehensive planning and future land use designations in areas outside the urban service area which are not designated in a municipality's comp plan. In those areas, absent agreement, county's, rather than city's, future land use map designation ordinances control. (§3.3)
Seminole	Generally, municipal ordinances prevail. (§1.4) Exceptions: Casino gambling reserved to the people (Art. V, §1.1) and county ordinances related to the Rural Boundary prevail over municipal ones in conflict with county ordinances related to it. (Art. V, §1.2)
Volusia	Municipal ordinances prevail, except as otherwise provided by the charter. (§1305) Growth Management Commission - countywide power. (§202.3) Environmental minimum standards, including, but not limited to, tree protection, stormwater management, wastewater management, river and waterway protection, hazardous waste disposal, wetlands protection, beach and dune protection, air pollution. Standards shall apply in all areas of the county; county ordinances prevail in this area, municipalities may adopt stricter standards. (§202.4) Unified Beach Code - County has jurisdiction over coastal beaches and approaches (specifically including municipal areas) and exclusive authority to regulate the beaches and public beach access and use; county ordinance prevails in this area. (§205)
Wakulla	Municipal ordinances prevail; if county ordinance in conflict in municipality ordinance not effective. (§1.8)

ETHICS, ELECTIONS AND OPEN GOVERNMENT					
County	Campaign Finance Regulation	County Ethics Commission	Local Code of Ethics	Local Elections Criteria/Procedures	Redistricting Board
Alachua	Y (§1.6)	N	Silent		
Brevard	N	N	N		
Broward	N	Y (§10.01)	Y		
Charlotte	N	N	N		
Clay	N	N	Y (§2.2(E))		
Columbia	N	N	Y		
Duval	N	Y (§1.202)	Y (§1.202)		
Hillsborough	N	N	Y (§9.03)		
Lee	N	N	N		
Leon	N	N	Y		
Miami-Dade	N	Y-Independent Inspector General	Y		
Orange	N	N	Y (§707)		
Osceola	N	N	N		
Palm Beach		Y	Y (§2-441 through 2-447)		
Pinellas	N	N	N		Y
Polk	N	N	N		
Sarasota	Y (§6.5A)	N	N		
Seminole	N	N	N		
Volusia	N	N	Y (§1201)		
Wakulla	N	N			

RECALL ELECTION HELD

County	
Alachua	N
Brevard	N
Broward	N
Charlotte	N
Clay	N
Columbia	N
Duval	N
Hillsborough	
Lee	N
Leon	N
Miami-Dade	Y (1970s/ 2006)
Orange	N
Osceola	N
Palm Beach	N
Pinellas	N
Polk	N
Sarasota	N
Seminole	N
Volusia	
Wakulla	N

*First Draft- submitted 4/29/22:

Sec. 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 (3) 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 person 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 (2) members of the panel find that the proposed amendment embraces only one (1) 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 the 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.
3. The three (3) person panel shall submit its findings for each proposed amendment to the Charter Review Commission within ten (10) calendar days of receipt and shall include a comprehensive written report regarding the conclusion(s) made. If the three (3) person panel rejects the proposed amendment or ballot language, it shall be sent back to the Charter Review Commission, during regular session, for a reasonable opportunity to cure any defect. The panels written report shall include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) should be resolved. If all three (3) members of the panel conclude that the proposed language is incurable, the Charter Review Commission shall hold a vote on whether to abandon the proposal altogether or attempt to remedy.

*Revised/Final Draft- submitted 5/2/22:

Sec. 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. All members of the ~~The person 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 (2) members of the panel find that the proposed amendment embraces only one (1) 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 the consideration at a referendum at a general election or 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.
3. The three (3) person panel shall submit its findings for each proposed amendment to the Board of County Commissioners and the Charter Review Commission within thirty (30) days of receipt by the review panel of the proposal and shall include a comprehensive written report containing the panels conclusion(s). If two (2) members of the three (3) person panel reject the proposed amendment or ballot language, the proposal shall be promptly returned to the Charter Review Commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. If all three (3) members of the panel conclude that the proposed language is incurable, this opinion should be indicated and the Charter Review Commission shall hold a vote on whether to abandon the proposal altogether or attempt to cure it, allowing for one (1) opportunity to do so. Notwithstanding section 7.4 of this Charter, the term of the Charter Review Commission shall be extended for the sole purpose of further considering the charter amendment proposal rejected by the three (3) person review panel.

Sec. 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 person 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 (2) members of the panel find that the proposed amendment embraces only one (1) 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 the 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.

3.

- a. Under section 7.4.1.1, when the proposed amendment(s) are sponsored by the Charter Review Commission, members of the three (3) person panel shall be selected by the Charter Review Commission. The three (3) person panel shall report directly, and maintain a fiduciary duty, to the Charter Review Commission during the active term.
- b. The three (3) person panel shall submit its findings for each proposed amendment to the Board of County Commissioners and the Charter Review Commission within thirty (30) days of receipt and shall include a comprehensive written report containing the panels conclusion(s) for each proposal. If two (2) members of the three (3) person panel reject the proposed amendment, the proposal shall be promptly returned to the Charter Review Commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. Notwithstanding section 7.4 of this Charter, the term of the Charter Review Commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three (3) person panel.

2021-2022 Brevard County Charter Review

Record of Vote

(CRC:2021-2022 – Proposal 20- Section 7.4.1 Add Subsection 3- Three Attorney Review Panel)

Motion by: Completion of 3rd Public Hearing-Commission Decided 07-07-2022 to vote. Commission had no objection to Mr. Kierstein changing 30 days to 15 days in the language.

Also following a proposed amendment from Mr. Jenkins to revise to say the County Commission had the final say after the Charter Review Commission selected the Three Attorney Panel- Voice Vote of Nay's have the vote. That proposed amendment failed.

All those in favor of Proposal 20- Yes/All opposed to proposal 20 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	N
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 20-

Motion to Approve Proposal 20 -Section 7.4.1 Add Subsection 3-Three Attorney Review Panel

Motion Approved 12-1

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

CRC RESOLUTION NO. 2022-004

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 7.4.1 TO PROVIDE THAT TO REVIEW CHARTER REVIEW COMMISSION PROPOSED AMENDMENTS BEFORE BEING PLACED ON THE BALLOT THE THREE MEMBER ATTORNEY REVIEW PANEL SHALL BE SELECTED BY THE CHARTER REVIEW COMMISSION, AND TO FURTHER PROVIDE THAT IF THE PANEL REJECTS A CHARTER REVIEW COMMISSION PROPOSED AMENDMENT, IT SHALL BE RETURNED TO THE CHARTER REVIEW COMMISSION FOR FURTHER CONSIDERATION; 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 7.4.1. of the Brevard County Charter, which would provide that for review of Charter Review Commission proposed Charter amendments the three member panel of attorneys shall be selected by the Charter Review Commission, and to further provide that if the panel rejects a Charter Review Commission proposed Charter amendment as inconsistent with the law, the proposed amendment shall be returned to the Charter Review Commission for further consideration. 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.

3. a. Under section 7.4.1. 1., when a proposed amendment is sponsored by the charter review commission, members of the three person panel shall be selected by the charter review commission. The three person panel shall report directly and maintain a fiduciary duty to the charter review commission.

- b. The three person panel shall submit its findings for each proposed amendment to the board of county commissioners and the charter review commission within fifteen (15) days of receipt and shall include a comprehensive written report containing the panel's conclusion(s) for each proposal. If two members of the three person panel reject the proposed amendment, the proposal shall be promptly returned to the charter review commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. Notwithstanding section 7.4 of this charter, the term of the charter review commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three person panel.

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. 4 – Charter Review Commission
Proposed Amendments**

The Charter requires a panel of three attorneys to review proposed amendments for legality before placing the proposed amendment on the ballot. When the amendment is proposed by the Charter Review Commission, the panel shall be selected by the Charter Review Commission. If the panel finds a Charter Review Commission proposed amendment inconsistent with the law, it shall be returned to the Charter Review Commission for further consideration.

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. 4 set forth in Section 3. of this Resolution.

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 SECTION 7.4.1 OF THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE THAT TO REVIEW CHARTER REVIEW COMMISSION PROPOSED AMENDMENTS BEFORE BEING PLACED ON THE BALLOT THE THREE MEMBER ATTORNEY REVIEW PANEL SHALL BE SELECTED BY THE CHARTER REVIEW COMMISSION, AND TO FURTHER PROVIDE THAT IF THE PANEL REJECTS A CHARTER REVIEW COMMISSION PROPOSED AMENDMENT, IT SHALL BE RETURNED TO THE CHARTER REVIEW COMMISSION FOR FURTHER CONSIDERATION; 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 4 (Amendment to Section 7.4.1 providing that to review charter review commission proposed amendments before being placed on the ballot, the three member attorney review panel shall be selected by the Charter Review Commission, and to further provide that if the panel rejects a Charter Review Commission proposed amendment, it shall be returned to the Charter Review Commission for further consideration), as set forth in CRC Resolution 2022-004 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 2022-004, 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. 4. 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. 4 – Charter Review Commission
Proposed Amendments**

The Charter requires a panel of three attorneys to review proposed amendments for legality before placing the proposed amendment on the ballot. When the amendment is proposed by the Charter Review Commission, the panel shall be selected by the Charter Review Commission. If the panel finds a Charter Review Commission proposed

amendment inconsistent with the law, it shall be returned to the Charter Review Commission for further consideration.

_____ Yes for approval

_____ No for rejection

SECTION 7. CHARTER AMENDMENT. Proposal No. 4. 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.
3. a. Under section 7.4.1. 1., when a proposed amendment is sponsored by the charter review commission, members of the three person panel shall be selected by the charter review commission. The three person panel shall report directly and maintain a fiduciary duty to the charter review commission.

b. The three person panel shall submit its findings for each proposed amendment to the board of county commissioners and the charter review commission within fifteen (15) days of receipt and shall include a comprehensive written report containing the panel's conclusion(s) for each proposal. If two members of the three person panel reject the proposed amendment, the proposal shall be promptly returned to the charter review commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. Notwithstanding section 7.4 of this charter, the term of the charter review commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three person panel.

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

Section 2.7 Vacancies and Suspensions

A vacancy in the office of County Commissioner arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment by of the Governor; provided, the majority of the Brevard County Commissioners. The effective date of office shall be immediately following the majority vote of the Commissioners.

Appointment process: The County Commissioners shall advertise for interested applicants that qualify for the requirements of the vacant office. The applications must be submitted within two (2) weeks of the advertisement of the vacancy. A special Commission meeting shall be scheduled one (1) week following the application deadline. Applicants and members of the public shall be permitted to comment during the public comment portion of the appointment agenda item of the special Commission meeting.

The applicant chosen by majority vote of the County Commissioners to fill the remainder of the term of the vacant County Commission seat is ineligible to qualify as a candidate for County Commission during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for County Commissioner during the term of office (or, but for resignation would have served the term).

If the County Commissioners, because of a tie vote by the Commissioners, fails to appoint a person to serve the remaining term of a vacant County Commissioner seat, then the County Commission shall request that the Governor appoint a person to serve the remaining term of the vacant County Commissioner seat. The effective date of office shall be immediately upon the appointment by the Governor. A County Commissioner appointed by the Governor to fill a vacant County Commissioner seat is ineligible to qualify as a candidate for County Commissioner during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for County Commissioner during the term of office (or, but for resignation would have served the term).

A vacancy created by recall shall be filled as provided in Section 5.2 of this Charter.

Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate

qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law.

Submitted by Mr. Blaise Trettis

Commissioners,

This is the final draft of my proposal for your review prior to the meeting this week. I want to also address some of the points brought up previously.

The reason I brought this proposal forward is to mitigate the likelihood of having long periods of time that an entire county district of about 120,000 citizens having no representation in their county government since our districts are single-member districts, and the county has no at-large seats.

Specifically, for District 2, most citizens live in unincorporated Brevard, and have no municipality governing body. Their first level of government is our County Commission. With the vacancy of their seat, their first level of representation in Government is their State Representative. The State Representative has no authority or vote on local matters such as millage rates, county budget, zoning, infrastructure projects, development, etc.

This situation conflicts with the County Charter.

The goal of this proposal is to minimize the time of a vacancy should one occur, and to fill that vacancy in the most democratic and transparent process as possible.

We have been blessed as a County to rarely be in the position to have to fill a vacancy, and this one is only because of a resignation. However, looking forward, we could easily find ourselves in this same position sooner than later. The life expectancy for a male in Florida is 75 years old. We currently have 2 qualified men for different districts who would be at that age prior to the end of their first term should they win this election. That's not considering the added stress of elected office on one's health. We could realistically and statistically be in a position to have to fill 2 vacancies in the next 4 years. That's why I believe this proposal is so important and the deficiencies in the Charter must be addressed now.

Below are the points that have been made.

I. Letting the Governor Appoint or Appoint First:

One position of several members of this Commission was to allow the Governor the opportunity to appoint to the vacancy prior to allowing the County Commission to do so. It was also stated by some members that they felt only the Governor should make the appointment all together. Below are my thoughts on these positions.

Section 1.3 "Construction" of the Charter states "The powers granted by this Home Rule Charter shall be construed **liberally in favor of the charter government.**"

Appointment to a vacancy would be a “power granted by this Home Rule Charter.” Deferring that appointment to the Governor’s office and removing it from the County is not being construed **liberally in favor of the charter government**. Deferring that power to the Governor’s office is in conflict with Section 1.3 of the County Home Rule Charter, as not only is it not **liberally** in favor of the charter government, but it is also in **opposition** to it.

Giving the Governor the “first bite at the apple” is essentially robbing the County of having any bite at the apple at all. That defeats the entire purpose of a Home Rule Charter.

Secondly, there is no process outlined in statute of how the Governor makes appointments to these vacancies. That creates sunshine concerns for citizens. As it stands, no memo was sent out to the citizens of District 2 informing them of the intent to fill this vacancy by the Governor. There is also no obvious statute that states the Governor has an obligation to appoint someone who meets the qualifications outlined in the County Charter. Along with that, there was no instruction or information made available to the citizens informing them that any of them could seek this appointment or how to go about doing so. It has gone from a democratic process to a strictly political one with zero say, input, feedback, or transparency for the people. It is highly unlikely that the people of District 2 or any other District would favor this current process over a democratic one. And as I’ve pointed out previously, Governor Desantis won Florida by less than half a percent. However, he won Brevard County by 17 percent. Had he lost the overall election, Andrew Gillum would be making this appointment in a county that he lost by a staggering 17 percent, which would not be an accurate representation of the will of the people.

Thirdly, as we see now, the Governor can decide not to make an appointment at all. In any scenario, it leaves the current County Staff in limbo on scheduling things such as the budget for votes, not knowing when, if ever the vacancy will be filled by the Governor. It leaves the remaining members of the County Commission in limbo as to whether to table issues most impacting the vacant district or move forward, because there has been little to no communication from the Governor’s office of whether an appointment is coming or not, let alone when. Again, defeating the entire purpose of a Home Rule Charter. Every municipality in our County either appoints by majority vote to fill a vacancy, or holds a special election. None of them delegate that authority to another governing body; the County Commission or to the Governor’s office.

I referenced the first sentence in Section 1.3 of our Charter at the start of my argument. However, the second sentence may drive the point home. It says... *rights and powers in this charter shall not limit, deny or disparage the right of the people of Brevard County to the fullest measure of home rule authority allowed by the State Constitution to the citizens of charter counties.*

I submit that allowing the highest level of state government appoint a local official in a Home Rule Chartered County, **limits, denies, and disparages** the right of the people.

According to [Florida Statutes 163.410 Exercise of powers with home rule charters](#) - any county which has adopted a home rule charter, the powers conferred by this part **shall** be exercised **exclusively** by the governing body of such county. (emphasis added)

In short, I believe that allowing the Governor to fill a vacancy on the County Commission is a violation of the County Charter and Florida Statutes.

II. Special Election

One of the main reasons this item has been tabled several times is because we have been waiting for date from the Supervisor of Elections (SOE) on how much time is needed to facilitate a special election for a county commission seat. Another concern is the cost to have a special election to the County.

According to staff, we did receive an estimate for the cost from the SOE. The SOE recently provided an estimate for a special election for the city of Palm Bay. The estimate compared to the actual cost was approximately \$80,000 higher. That being said, all elections are expensive, but the cost has been determined to be necessary for the democratic process. Special elections are so rare that the cost to conduct one at the county level relative to the size of the county budget is minimal. There are few things that taxpayers are happy to spend money on; voting for their representative is one of them. However, the cost of a special election is reduced dramatically when it can be combined with an already scheduled county election or otherwise.

It is my preference, and I believe also the majority of the people that their elected officials be elected. That is why I think it is imperative to prioritize a special election to fill a vacancy over any other option. In reviewing other county charters, I found some language on timelines for special elections. (I would like to note that one point brought up by Mr. Trettis about the language of “runoff” in my proposal sounding non-partisan, that is the language currently in the Charter, not something I added. It is also in the amendment he submitted)

Because we do not have a timeline from the SOE, and to help mitigate the costs, I propose that we adopt language in part from the Orange County Charter. When the vacancy term exceeds one year, the county commission appoints to fill the vacancy until the special election can occur in concurrence with the next county election.

Taking into consideration the idea of a “caretaker” by the Chair, I would propose language that would prioritize appoint the chief of staff or highest ranking staff member of the vacant office to the position to ensure continuity to the citizens of the district, and the ability to hit the ground running so to speak. Obviously, that appointment would be dependent upon the vacancy occurring in good standing, i.e. not a removal from office or resignation under possible criminal investigation etc. Any such issue would be debated during the appointment process by the remaining board members prior to a vote. One issue I do see arising from this method is that the salary of the chief of staff more often than not exceeds the salary of the County Commissioner. That individual is unlikely to be willing to take such a mandated pay-cut.

III. Appointee running for election

The only way I see being able to limit someone who is appointed to a vacancy from running in the upcoming election is to amend **Section 2.3 Qualifications** to “cannot be currently appointed to the position running for.” If the attorney deems that it can be added to the vacancy portion of the proposal, then I am all for that. However, I think that should someone decide to challenge that in court, they could argue that they meet the qualifications to run according to the charter. That is a legal question I’m not sure I can answer, but I’m good with it either way.

I do believe and agree that an appointee does have an overwhelming advantage in an election, but I also think that advantage exists whether they are appointed by the Governor or the County, maybe even more so by the Governor because it’s essentially an endorsement from the Governor. Another argument to leave the Governor’s office out of it.

IV. Tie for Appointment Vote

In my research, I was not able to find any language that addresses a tie for an appointment vote. I did however find in some processes that a constitutional officer such as the Clerk of Courts have votes on appointments to other boards or commissions. This may be an option to explore for this process. Another idea is in some Counties, the Chair/Mayor is a non-voting member because of their structure of government. I would propose that in the case of a tie, the Chair’s vote is withdrawn as a tie breaker, but I have also seen in some HOA by-laws that the chair’s vote counts twice which may be more proper since the board elected the chair.

Another option is that in the event of a tie, that candidate is removed from consideration and another candidate is voted upon.

The final option is that in the case of a tie and there are no other candidates to vote on, the vacancy remains until there is an election. I do not believe that it should go to the Governor for the reasons stated previously.

V. Appointment Process

In order to keep the language on the ballot short and simple and to also give some leeway to adapt to changes or circumstances in the future, I think it is most proper that the appointment process should be adopted by county ordinance.

All that being said, and all matters into consideration, I amend my proposal to the following language.

A vacancy in the office of County Commissioner arising from the death, resignation, or removal of such official, shall be filled for the remainder of the unexpired term by election of a County Commissioner at a special election to be called pursuant to resolution of the county commission and held on a date specified by the Supervisor of Elections, which special election

shall, if possible, be held in conjunction with any other election scheduled to be held within the county. If the date of the Special Election is determined to be greater than 90 days after the effective date of the vacancy, the vacancy shall be filled until certification of the special election results, by appointment by a majority vote of the board of county commissioners. The appointment process shall be determined by County ordinance. In the event of a tie vote, the Chair's vote shall count twice. The appointee must meet the qualifications outlined in section 2.3 of this Charter.

The appointee to the County Commission vacancy shall be ineligible to qualify as a candidate for County Commission during the term of appointment as County Commissioner; the Supervisor of Elections shall not place on the ballot the appointed County Commissioner as a candidate for the County Commission during the term of office they were appointed to.

A vacancy created by recall shall be filled as provided in Section 5.2 of this Charter.

Again, fortunately, vacancies are rare, but should they occur can delay county business, and more importantly leaves 1/5 of our County without any local representation while decisions are still being made. We've discussed some of the recent examples. We've also discussed the issues it causes for super-majority requirements. In the future, it could cause issues for even meeting a quorum. That is why I believe, although some may see it as a minor and rare issue, it is one we can address now to mitigate future problems that may not be so minor. At a minimum, I believe we are obligated to put forth a product to the voters to allow them to decide, especially since I believe our current charter, as it stands is in conflict with itself, and state law.

Respectfully,

Robert Burns

TRETTIS VERSION

CRC RESOLUTION NO. 2022-005

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 2.7 PROVIDING FOR FILLING VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER; 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 2.7. of the Brevard County Charter, which provides for the method by which vacancies in the office of county commissioner are to be filled. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Section 2.7 Vacancies and Suspensions.

A vacancy in the office of county commissioner ~~County Commissioner~~ arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment by of the Governor; provided, the majority of the Brevard county commissioners. The effective date of office shall be immediately following the majority vote of the commissioners.

Appointment process: The county commissioners shall advertise for interested applicants that qualify for the requirements of the vacant office. The applications must be submitted within two (2) weeks of the advertisement of the vacancy. A special commission meeting shall be scheduled one (1) week following the application deadline. Applicants and members of the public shall be permitted to comment during the public comment portion of the appointment agenda item of the special commission meeting.

The applicant chosen by majority vote of the county commissioners to fill the remainder of the term of the vacant county commission seat is ineligible to qualify as a candidate for county commission during the term of appointment as county commissioner; the supervisor of elections shall not place on the ballot the appointed county commissioner as a candidate for county commissioner during the term of office (or, but for resignation would have served the term).

If the county commissioners, because of a tie vote by the commissioners, fails to appoint a person to serve the remaining term of a vacant county commissioner seat, then the county commission shall request that the governor appoint a person to serve the remaining term of the vacant county commissioner seat. The effective date of office shall be immediately upon the appointment by the governor. A county commissioner appointed by the governor to fill a vacant county commissioner seat is ineligible to qualify as a candidate for county commissioner during the term of appointment as county commissioner; the supervisor of elections shall not place on the ballot the appointed county commissioner as a candidate for county commissioner during the term of office (or, but for resignation would have served the term).

A vacancy created by recall shall be filled as provided in Section 5.2 of this Charter.

Unless otherwise required by the state constitution ~~State Constitution~~ or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The board of county commissioners, ~~Board of County Commissioners~~, after first consulting with the supervisor of elections ~~Supervisor of Elections~~, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law.

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. [REDACTED] – FILLING A VACANCY IN THE TERM OF A COUNTY COMMISSIONER

Revises the Charter to provide that vacancies with a remaining term of one year or more shall be filled by special election, unless otherwise required by the state constitution. Vacancies with a remaining term of less than one year shall be filled by the county commission. The amendment provides an appointment process.

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. [REDACTED] set forth in Section 3. of this Resolution.

Adopted this __ day of _____, 2022.

Mike Haridopolos, Chair

CRC RESOLUTION NO. 2022-005

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 2.7 PROVIDING FOR FILLING VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER; 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, the Charter needs to be amended with regard to the filling of vacancies in the office of county commissioner to be consistent with Article IV, Section 1(f) of the Florida Constitution and Sections 100.111(1)(a) and 114.04, Florida Statutes; and

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 2.7. of the Brevard County Charter, which provides for the method by which vacancies in the office of county commissioner are to be filled. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 2.7. - Vacancies and suspensions.

(a) *Filling vacancies as provided under Florida law.* A vacancy in the office of county commissioner ~~County Commissioner~~ arising from the death, resignation or removal of such official shall be filled as provided by law, ~~if one year or less remains in the term of office, be filled by appointment of the Governor~~; provided, ~~that~~ a vacancy created by recall shall be filled as provided in Section 5.2 of this ~~charter~~ Charter. Unless otherwise required by the ~~state constitution~~ State Constitution or general law, if ~~there is twenty-eight months or more than one year remaining~~ remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The ~~board of county commissioners~~ Board of County Commissioners, after first consulting with the ~~supervisor of elections~~ Supervisor of Elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law. A vacancy created by recall as provided in section 5.2 shall be filled as provided by law.

(b) *Filling vacancies when permissible under Florida law.* If and to the extent that it should become lawful under the constitution and laws of the state of Florida for this charter to prescribe a method for filling vacancies in the office of county commissioner, this subsection shall immediately become effective. If a vacancy occurs in the office of county commissioners and the remainder of the term is one non-calendar year or more, the vacancy shall be filled by special election for the remainder of the term. If a vacancy occurs in the office of county commissioner and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by the board of county commissioners, if made within ninety (90) days of the effective date of the vacancy. If the board of county commissioners shall fail to fill the vacancy within said ninety (90) day period, the governor may fill the vacancy by appointment. Any commissioner filling a vacancy by appointment shall be prohibited from running for election to a consecutive term to that of the vacant term.

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. [REDACTED] – FILLING A VACANCY IN THE TERM OF A COUNTY COMMISSIONER

Vacancies in the office of county commissioner shall be filled as provided by the Constitution and state law. If state law is amended to permit an alternative to fill vacancies, vacancies with a remaining term of one year or more shall be filled by special election. The county commission shall fill vacancies within 90 days with a remaining term of less than one year. If the county commission fails, the Governor may fill the vacancy.

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. [REDACTED] set forth in Section 3. of this Resolution.

Adopted this ___ day of _____, 2022.

Mike Haridopolos, Chair

Changes to Current charter language

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms. No person maybe elected as Commissioner more than twice; however, election to a partial term by special election shall not count toward the limitation of terms herein.~~ (Amd. 11-3-98; 11-7-00)

Section 2.5 Candidacy and Election

Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two ~~consecutive~~ full terms. (Amd. 11-3-98; 11-7-00)

Submitted by Mr. Blaise Trettis

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms. No person may be elected as Commissioner more than twice; however, election to a partial term~~ **of less than two (2) years** ~~by special election shall not count toward the limitation of terms herein.~~

Section 2.5 Candidacy and Election

Except as provided in Section 2.4, Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. ~~No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two~~ **consecutive** **full** ~~terms.~~ (Amd. 11-3-98; 11-7-00)

Submitted by Mr. Blaise Trettis

Proposal 17

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms. No person may be elected as Commissioner more than twice; however, election to a partial term of less than two (2) years by special election shall not count toward the limitation of terms herein.~~

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Except as provided in Section 2.4, Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. ~~No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two consecutive terms. (Amd. 11-3-98; 11-7-00)~~

Submitted by Nick Tomboulides

CRC RESOLUTION NO. 2022-006

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 SECTIONS 2.4 AND 2.5 PROVIDING FOR TERM LIMITS; 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, in Telli v. Broward County, 94 So.3d 504 (Fla. 2012), the Florida Supreme Court examined the constitutionality of term limits in a case involving Broward County Commissioners, and the found county commissioner term limits to be constitutional and consistent with Article VIII, Section 1(g) of the Florida Constitution of 1968 and the broad concepts of extending home rule to voters in charter counties. Accord Autunes v. Sarasota County, 94 So.3d 513 (Fla. 2012)(memorandum opinion involving the Sarasota County Charter based on *Telli*); and

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 Sections 2.4 and 2.5 of the Brevard County Charter, which would provide for a clarification to term limits for the office of county commissioner. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 2.4. - Terms of office.

Each county commissioner ~~Commissioner~~ shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. No person may be elected as a county commissioner more than twice; however, election to a partial term of less than two (2) non-calendar years by special election shall not count toward the limitation of terms herein. ~~No county commissioner shall serve more than two (2) consecutive terms.~~

Sec. 2.5. - Candidacy and election.

Candidates for county commission ~~Commissioners~~ shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. ~~No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two consecutive terms.~~

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. – TERM LIMITS

The amendment provides that no person may be elected to a four year term as a county commissioner more than twice. Provides an exception that an individual elected in a special election to fill a vacancy of less than two non-calendar years shall not be counted toward the two term limit.

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. set forth in Section 3. of this Resolution.

Adopted this ___ day of _____, 2022.

Mike Haridopolos, Chair

TRETTIS VERSION

CRC RESOLUTION NO. 2022-006

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 SECTIONS 2.4 AND 2.5 PROVIDING FOR TERM LIMITS; 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, in Telli v. Broward County, 94 So.3d 504 (Fla. 2012), the Florida Supreme Court examined the constitutionality of term limits in a case involving Broward County Commissioners, and the found county commissioner term limits to be constitutional and consistent with Article VIII, Section 1(g) of the Florida Constitution of 1968 and the broad concepts of extending home rule to voters in charter counties. *Accord Autunes v. Sarasota County*, 94 So.3d 513 (Fla. 2012)(memorandum opinion involving the Sarasota County Charter based on *Telli*); and

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 Sections 2.4 and 2.5 of the Brevard County Charter, which would provide for a clarification to term limits for the office of county commissioner. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Section 2.4 Terms of Office.

Each commissioner ~~Commissioner~~ shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. ~~No county commissioner shall serve more than two (2) consecutive terms.~~ No person may be elected as commissioner more than twice; however, election to a partial term by special election shall not count toward the limitation of terms herein.

Section 2.5 Candidacy and Election

Commissioners shall qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties. No person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a county commissioner for two ~~consecutive~~ full terms.

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. ■ – TERM LIMITS

The Charter currently provides that no person shall serve more than two *consecutive* four year terms. The amendment revises that Charter to provide that no person may be elected to a four year term as a county commissioner more than twice.

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. set forth in Section 3. of this Resolution.

Adopted this ___ day of _____, 2022.

Mike Haridopolos, Chair

PROPOSAL TO AMEND THE BREVARD COUNTY CHARTER TO ESTABLISH A TRUST FUND THAT WILL CREATE AND SUSTAIN WORKFORCE HOUSING AND SUPPORTIVE HOUSING FOR VULNERABLE FAMILIES.

Jordin Chandler, a member of the 2021-2022 Brevard County Charter Review Commission, proposes that the following underlined words be added to a new section (section 1.9) under Article 1 of the Brevard County Charter:

Sec. 1.9. – Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund.

(A) *Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund established.* The Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund ("Trust Fund") is hereby established.

~~(1) — See Sec. 62-6301. **Definitions.** Of the Brevard County Code of Ordinances pertaining to the definitions for Workforce and Affordable Housing.~~

~~(2) — *Supportive housing is a combination of affordable housing and supportive services designed to help stabilize people who face complex challenges. Supportive housing has historically been offered to chronically homeless individuals through the homeless system and is recognized as a cost-effective and empirically based solution for long-term homelessness. Supportive housing models can look as different as the communities in which they are located. However, all supportive housing includes affordable housing, individualized, tenant-centered services, and property and housing management.*~~

~~(B) *Purposes of Trust Fund.* The purpose of the Trust Fund is to provide a continuing, non-lapsing fund for the Brevard County Commission to use to address the need for affordable housing within Brevard County. The Trust Fund will **shall** be used to create and sustain affordable housing throughout Brevard County for renters and homeowners, and to increase workforce housing opportunities. The section is intended to comply with F.S. ch. 163 generally and specifically F.S. § 163.3177(6)(f), F.S. ch. 420 generally and specifically F.S. § 420.907, and F.S. ch. 125 and specifically F.S. § 125.379.~~

~~(C) *Revenue sources.* The Trust Fund established under this section shall be funded as directed by the County Commission, and may be comprised of the following sources:~~

~~(1) — Brevard County General Revenue appropriated to the Trust Fund by~~

- ~~the County Commission as part of the annual budget;~~
- ~~(2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;~~
 - ~~(3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;~~
 - ~~(4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to the development policies established by ordinance; and,~~
 - (1) Funds from the sale of County surplus real property; and,
 - (2) Other sources as established by ordinance.

(D) Continuing Nature of Trust Fund. Unless otherwise provided by ordinance or required by applicable law, unspent portions of the Trust Fund established under this Section, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:

- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
- (2) Do not revert to the general revenues of the County, and
- (3) Any appropriations do not lapse.

~~(E) Administration and Oversight of Trust Fund. The Trust Fund shall be administered, appropriated, and expended by the County Commission in a manner consistent with the purposes of the Trust Fund as set forth in this section. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.~~

~~(1) Dispersion of funds. The board of county commissioners shall establish and adopt written policies and procedures within the housing and human services department for the dispersion of such trust funds and residential density equivalent units. The criteria shall include a priority based ranking system, similar to the state housing finance corporation format, to determine priority for the awarding of funds or density equivalent units to applicants.~~

~~Example: Proposals having more than the minimum percentage of units serving lower income residents shall receive a higher priority ranking.~~

- ~~(2) Application. Any applicant seeking to secure such funds or residential density equivalent units shall submit an application to the housing and human services department.~~
- ~~(3) Trust fund and unit dispersion. Dispersion of funds and, or, density~~

~~equivalent units shall be limited by fund availability and shall be in accordance with the written policies and procedures established by the board of county commissioners for the use of such funds. Dispersion of residential unit density, by the transfer of development rights, shall be consistent with the transfer of development rights for affordable units section of the code and the county comprehensive plan.~~

~~Developments seeking the use of housing trust funds or density equivalent units should be located in areas serviced by existing transportation and utilities infrastructure and located near other public facilities, services, employment centers, shopping, active mass transit corridors, daycare centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the BOCC as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Developments scoring at or above the minimum 66th percentile will be eligible to receive housing trust funds and density equivalents. A complete application will include a completed location evaluation matrix and needs analysis form that meets the minimum scoring requirement at or above the 66th percentile. A higher ranking score may be used to determine the awarding of additional funds when available.~~

~~(4) *Trust fund affordability agreement.* The applicant shall enter into a land use and deed restriction affordability agreement with the county. The agreement shall provide the number and designation level of affordable units, and period of time as affordable, and any other requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures established by the board of county commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.~~

~~(5) *Trust fund discretionary allocation.* Allocation of these funds and units are discretionary and must compete with all other developments and are based on fund and unit availability. Priority shall be given to developments designed to facilitate pedestrian access to transit and neighborhood commercial nodes that score above the 66th percentile on the completed location evaluation matrix and needs analysis forms.~~

~~(F) *Implementation by Ordinance.* No later than July 1, 2023, the County Commission shall adopt one or more ordinances implementing the provisions of this section, and/or strictly enforce existing ordinances (such as those located at **in** Chapter 62, Article XVII), which ordinances may be amended from time to time by the County Commission consistent with the provisions of this section.~~

CRC RESOLUTION NO. 2022-007

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 CREATES NEW SECTION 1.9 TO PROVIDE FOR A WORKFORCE AND SUPPORTIVE HOUSING TRUST FUND; PROVIDING REVENUE SOURCES; PROVIDING FOR IMPLEMENTATION; 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 creating Section 1.9 of the Brevard County Charter, which would provide for the creation of a workforce and supportive housing trust fund; provide revenue sources, and provide for implementation. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 1.9. Brevard County Workforce and Supportive Housing Trust Fund.

(a) The Brevard County Workforce and Supportive Housing Trust Fund is hereby established.

(b) Purpose of Trust Fund. The purpose of the trust fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County. The trust fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities.

(c) Revenue sources. The trust fund shall be funded as directed from time to time by the county commission and may be comprised of the following sources:

(1) Funds from the sale of county surplus real property, the funds of which are not otherwise legally committed to other sources; and

(2) Other sources as established from time to time by ordinance.

(d) Continuing nature of trust fund. Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:

(1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;

(2) Shall not revert to the general revenues or other funds of the county;
and

(3) Any appropriations shall not lapse.

(e) Implementation. Not later than July 1, 2023, the county commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time.

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. [REDACTED] – WORKFORCE
AND SUPPORTIVE HOUSING**

The amendment establishes an affordable housing trust fund to assist in establishing affordable housing for renters and homeowners to create and increase workforce housing opportunities throughout the county. The trust fund shall be funded as directed by the county commission from revenue sources and does not create a new form of taxation.

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. [REDACTED] set forth in Section 3. of this Resolution.

Adopted this __ day of _____, 2022.

Mike Haridopolos, Chair