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***Editor's note**—Part I consists of the county charter. The charter was proposed by Ord. No. 86-22 on Sept. 22, 1986 and approved at referendum on Nov. 4, 1986. In the printing of this charter:

(1) A capitalization style consistent with the Orange County Code has been used.
(2) The treatment of numbers (i.e. words and figures) has been made consistent with the style of the Orange County Code.
(3) The word "Section" has been abbreviated as "Sec." in catchlines.
(4) Article numbers and titles have been set on the same line and a period inserted between the article number and article title.
(5) Obvious spelling errors have been corrected.
(6) Footnote state law references have been added.
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ORANGE COUNTY CHARTER

PREAMBLE

The citizens of Orange County, joined together in the belief that governmental decisions affecting local interests should be made locally rather than by the state, and that county government should be reflective of the people of the county and should serve them in achieving a more responsive and efficient form of local government with improved cooperation between the county and the municipalities and other governmental units within the county; and, in order to empower the people of this county to make changes in their own government, do hereby avail themselves of the full home rule benefits afforded by the Florida Constitution to adopt a home rule charter, do ordain and establish this Home Rule Charter for Orange County, Florida.

ARTICLE I. POWERS OF GOVERNMENT

Sec. 101. Body corporate and politic.

Orange County shall be a body corporate and politic and, as such, shall have all rights and powers of local self-government which are now, or hereafter may be, provided by the U.S. Constitution and the Constitution and laws of Florida and this Charter.

State law reference—Powers of chartered counties, Fla. Const. art. VIII, § 1(g).

Sec. 102. Name and boundaries.

The corporate name shall be "Orange County," hereinafter referred to as the "county," and shall be so designated in all actions and proceedings touching its rights, powers, properties and duties. Its seat and boundaries shall be those presently designated by law.

State law references—Boundaries of Orange County, F.S. § 7.48. County seats, Fla. Const. art. VIII, § 1(k); F.S. ch. 138.

Sec. 103. General powers of the county.

Unless provided to the contrary in this Charter, Orange County shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.

State law reference—Similar provisions, Fla. Const. art. VIII, § 1(g).

Sec. 104. Special powers of the county.

The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter heretofore granted by law to the board of county commissioners, (hereinafter "board") and shall have such additional county and municipal powers, as may be required to fulfill the intent of this Charter, including but not limited to, the creation and abolition of special municipal taxing units with independent budgets. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property of residents not within municipal boundaries, nor shall property situated in the unincorporated area of the county be subject to taxation for services provided by the county exclusively for the benefit of the property of residents within municipal boundaries.
(Amended November 1992)

State law reference—Property situate within municipalities not to be subject to taxation for county services rendered exclusively for benefit of property or persons in unincorporated areas, Fla. Const. art. VIII, § 1(h).

Sec. 105. Transfer of powers.

The county shall have the power and authority, pursuant to the Constitution and laws of Florida, to assume and perform all functions and obligations now or hereinafter performed by any municipality, special district or agency, whenever such municipality, special district or agency shall request the performance or transfer of the function to the county.

State law reference—Transfer of powers, Fla. Const. art. VIII, § 4.

Sec. 106. Security of the citizens.

In order to secure to the citizens of the county protection against abuses and encroachments,

the county shall use its powers to secure for all citizens by ordinance or by civil or criminal action, whenever appropriate, the following:

A. Just and equitable taxation.

B. Proper use of public property.

C. Full disclosure of public records and proceedings.

D. Prevention of abuse of the environment.

Sec. 107. Casino gambling.

A. *Reservation of power by the electorate.* The citizens of Orange County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the county. Therefore, if and when casino gambling becomes lawful under the Constitution and laws of the State of Florida, no action may be taken by the board of county commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the county or any municipality, the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the county unless and until casino gambling in the county is first authorized by an approving vote of a majority of the qualified electors residing in the county and voting on the question at referendum, and such referendum must be separate and apart from any statewide or multicounty referendum on the question.

B. *Definition.* For purposes of this section, "casino gambling" means playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized, which game of skill or chance, when played for money or other thing of value, was unlawful under the Constitution or laws of the State of Florida as of July 1, 1995.

C. *Referendum.* At any primary, special, or general election, the board of county commissioners may offer to the electorate, and upon a petition from the governing body of a municipality in the county, the board shall offer as soon as practical to the electorate, the question of whether casino gambling shall be authorized in the county. Upon approval of the question at referendum, the county and any municipality may thereafter allow casino gambling to the extent lawful under the Constitution and laws of the State of Florida, and at the option of the board this section may then be deleted from this charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of twenty-four (24) months.

D. *Enforcement.* The restrictions in this section may be enforced by the county, by any municipality in the county, or by any person substantially affected by any violation thereof.

E. *Municipal referenda not prohibited.* Nothing in this section prohibits any municipality in the county, whether by charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by subsection A.
(Ord. No. 96-3, § 2, 3-12-96)

Sec. 108. Division of powers.

This Charter hereby establishes the separation between the legislative and executive functions of this government; the establishment and adoption of policy shall be the responsibility of the legislative branch, and the execution of that policy shall be the responsibility of the executive branch.
(Amended November 1988; Ord. No. 96-3, § 2, 3-12-96)

Sec. 109. Construction.

The powers granted by this Charter shall be construed liberally in favor of the county government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this article.
(Ord. No. 96-3, § 2, 3-12-96)

Sec. 110. Severability.

If any article, section, subsection, sentence, clause or provision of this Charter or the application thereof shall be held invalid for any reason,

the remainder of the Charter and of any ordinances, regulations or resolutions made thereunder shall remain in full force and effect.
(Ord. No. 96-3, § 2, 3-12-96)

ARTICLE II. LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

Sec. 201. Board of county commissioners.

The legislative branch of Orange County shall be the board of county commissioners, composed of the county mayor and the county commissioners.
(Repealed and reserved November 1988; Amended November 2004)

Sec. 202. Commission districts.

There shall be six commission districts of contiguous territory as nearly equal in population as practicable. The districts shall be reconsidered after each decennial census and adjusted by the board after one or more public hearings.
(Amended November 1988; November 1992; November 2004)

State law reference—Commission districts, Fla. Const. art. VIII, § 1(e).

Sec. 203. Structure of board.

The number of commissioners shall be six, with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.
(Amended November 1988; November 1992; November 2004)

Sec. 204. Terms of county commissioners.

A. Commissioners shall be elected for terms of four years. Elections shall be staggered so that three commissioners will be elected every two years. The terms of office for the commissioners shall commence either on the second Tuesday following the general election or, if not inconsistent with general law, on such later date as set by ordinance, but in no case later than the first Tuesday after the first Monday in January following the general election.

B. A county commissioner who has held the same commission district office for the preceding two full terms is prohibited from appearing on the ballot for re-election to that office.
(Amended November 1988; November 1992; November 1996; November 2004)

Sec. 205. Compensation.

Commissioners' salaries shall be uniform and shall be set by ordinance. The salary in effect at the beginning of a commissioner's term in office shall not be lowered during that commissioner's term.
(Amended November 1988; November 2004)
(Orange County Comptroller note: Ord. No. 96-40, § 3, 12-19-96; salary effective 10/01/01 = $63,384.53/year)

Sec. 206. Vacancies; incapacity or absence due to military service.

A. *Vacancies.* 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.

B. *Incapacity or absence due to military service.* If a commissioner becomes permanently incapacitated and unable to perform his or her duties, a successor shall be chosen in accordance with general law. If a commissioner becomes temporarily incapacitated, or if a commissioner is absent for a prolonged period due to military service, then to the extent not inconsistent with general law a temporary substitute shall be chosen to serve during the incapacity or absence, as follows:

1. The temporary substitute shall be chosen in the manner provided by ordinance enacted by the approving vote of no fewer than a majority plus one of the board prior to the beginning of the incapacity or prolonged absence; or

2. Absent such an ordinance, the temporary substitute shall be the person designated by the incapacitated or absent commissioner, if competent when the designation is made; or

3. Absent such a designation, the temporary substitute shall be the person chosen by the approving vote of no fewer than a majority plus one of the remaining board members.

The absent or temporarily incapacitated commissioner shall continue to receive his or her compensation during the absence or temporary incapacity. Unless defined otherwise by ordinance, temporary incapacity means a situation or condition that renders a commissioner unable to perform his or her duties for a period of more than 90 consecutive days, but does not constitute a vacancy in the office. In no event shall any temporary substitute serve beyond the term of the commissioner he or she is replacing for longer than one year.
(Amended November 1988; November 2004)

State law references—Filling of vacancies, Fla. Const. art. IV, § 1; Fla. Const. art. VI, § 5; F.S. §§ 100.111, 114.04.

Sec. 207. Powers and duties.

The board shall have the power and duty to originate, terminate and regulate legislative and policy matters, including but not limited to:

1. Adopting or enacting, in accordance with the procedures provided by general law, ordinances and resolutions it deems necessary and proper for the good governance of the county;

2. Approving the annual operating and capital budgets and any long term capital or financial program;

3. Considering conducting continuing studies in the operation of county programs and services and take action on programs for improvement of the county and the welfare of its residents;

4. Adopting, and amending as necessary, a county administrative code to govern the operation of the county;

5. Adopting, pursuant to the provisions of this Charter, such ordinances of countywide force and effect as are necessary for the health, safety and welfare of the residents.

The commissioners shall only devote such time as is necessary to perform the legislative responsibilities of their office.
(Amended November 1988; November 2004)

Sec. 208. Organization.

The board shall annually elect from among its members a vice mayor. Except as provided otherwise in section 302, in the absence of the county mayor, the vice mayor shall serve as the official representative and ceremonial dignitary for the board; shall preside during the board of county commissioners' meetings and may execute documents approved by the board. The vice mayor shall be elected by majority vote during the month of December of each calendar year.
(Amended November 1988; November 1992; November 2004)

Sec. 209. Meetings.

The board shall meet regularly, at such times and places as the board may prescribe by rule. The board shall determine its own rules and order of business. Special meetings may be held on the call of the county mayor or of three or more board members, upon no less than twelve hours' effective notice to each board member, except in the event of an emergency. Effective notice is notice served personally, or left at the usual place of residence or place of business of the particular board member sought to be notified.
(Amended November 1988; November 2004)

State law reference—Public meetings required, F.S. § 286.011.

Sec. 210. Enactment of ordinances and resolutions.

The board shall take official action only by the adoption of ordinances, resolutions, or motions and shall do so in accordance with the due process requirements of general law. Emergency ordinances may be enacted without public notice or hearing in accordance with general law, and where

compelling circumstances warrant such action. Any ordinances adopted under emergency provisions will be reenacted, within thirty days of enactment, in accordance with the due process requirements of general law for non-emergency ordinances. Any ordinances enacted under emergency provisions will be effective for a limited period of thirty days.
(Amended November 1988; November 2004)

State law reference—Ordinance adoption procedures, F.S. §§ 125.66, 125.67.

Sec. 211. Code of ordinances.

The board shall maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.
(Amended November 1988)

State law reference—Codification of ordinances, F.S. § 125.68.

Sec. 212. Noninterference.

Except for purposes of inquiry and information, commissioners are prohibited from interfering with employees, officers, or agents under the direct or indirect supervision of the county mayor.
(Amended November 1988; November 2004)

Sec. 213. Temporary succession plan.

In the event of an act of war or terrorism, a natural disaster, or other occurrence that results in more than one vacancy on the board and a concurrent likelihood of material delay in the filling of the vacancies by the Governor of Florida, then, to the extent not inconsistent with general or state constitutional law, temporary successors shall be chosen to serve, but in each case only until the governor appoints the permanent successor, or until the end of the term of said replaced elected official, whichever first occurs. The temporary successors shall be chosen as follows:

1. the temporary successors shall be chosen in the manner provided by ordinance enacted by the approving vote of no fewer than a majority plus one of the board prior to the act of war or terrorism, the natural disaster, or the other occurrence giving rise to the vacancies; or
2. absent such an ordinance, the temporary successors shall be chosen by the approving vote of no fewer than a majority plus one of the remaining board members.

If a quorum is impossible because of the vacancies, the requirement for a quorum shall be suspended for the purpose of choosing the temporary successors.

If at any time the legislature of Florida provides a method for prompt and temporary succession pursuant to Article II, Section 6 of the Florida Constitution, then any such method shall prevail over this section to the extent of any conflict.
(Amended November 2004)

ARTICLE III. EXECUTIVE BRANCH

Sec. 301. County administration.

There shall be an executive branch having jurisdiction over all operations of the county government not herein assigned to the legislative branch or otherwise provided by this Charter. The executive branch shall be composed of an elected county mayor, an appointed county administrator, the officers and employees of the administrative offices and executive divisions established by this Charter or created by the board, and the administrative offices and employees of all adjustment, regulatory and advisory boards and commissions, except as otherwise provided in this Charter.
(Amended November 1988; November 2004)

Sec. 302. County mayor.

The county mayor shall be a registered voter of and resident of Orange County at the time of election to office and throughout the term of office. The office shall be a full-time position combining both the duties of ceremonial head and operational head of those activities within the jurisdiction of the board of county commissioners.

A. *Compensation.* The county mayor's salary shall be set by ordinance. The salary in

effect at the beginning of a county mayor's term in office shall not be lowered during that term.

(Orange County Comptroller note: Ord. No. 96-40, §3, 12-19-96; salary effective 10/01/01 = $127,146.54/year)

B. *Vacancy, incapacity, or absence due to military service.* Vacancies in the office of the county mayor shall be defined and filled in accordance with state law. If the county mayor changes residence from Orange County, he shall be deemed to have vacated such office. If the county mayor becomes permanently incapacitated and unable to perform his or her duties, a successor shall be chosen in the manner prescribed by general law. If the county mayor becomes temporarily incapacitated, or if the county mayor is absent for a prolonged period due to military service, then to the extent not inconsistent with general law a temporary substitute shall be chosen to serve during the incapacity or absence, as follows:

1. The temporary substitute shall be chosen in the manner provided by ordinance enacted by the approving vote of no fewer than a majority plus one of the board members prior to the beginning of the incapacity or prolonged absence; or
2. Absent such an ordinance, the temporary substitute shall be the person designated by the county major, if competent when the designation is made; or
3. Absent such a designation, the temporary substitute shall be chosen by the approving vote of no fewer than a majority plus one of the commissioners.

The county mayor shall continue to receive his or her compensation during the absence or temporary incapacity. Unless defined otherwise by ordinance, temporary incapacity means a situation or condition that renders the county mayor unable to perform his or her duties for a period of more than 90 consecutive days, but does not constitute a vacancy in the office. In no event shall any temporary substitute serve beyond the term of the county mayor.

C. *Terms.* The county mayor shall be elected for a term of four years and shall be limited to two full consecutive terms. The term of the county mayor shall commence the same day the terms of the commissioners from even-numbered districts commence.

D. *Duties.* The county mayor shall have the following powers and duties:

1. Manage the operation of all elements of county government under the jurisdiction of the board, consistent with the policies, ordinances and resolutions enacted by the board;
2. Serve as chair of the board of county commissioners;
3. Vote on all matters before the board;
4. Be responsible for the execution of all contracts and legal documents, but may delegate this authority;
5. Prepare and publish agendas for all meetings of the board and submit the annual budget estimate with a plan of action to meet the needs of the county for adoption by the board;
6. Appoint and dismiss heads of county departments, divisions and other agencies under the jurisdiction of the board except that all such appointments shall be made annually and shall be subject to confirmation by the board;
7. Assure the faithful execution of all ordinances, resolutions and orders of the board and all laws of the state which are subject to enforcement by the county mayor, or by officers who are subject under this Charter to the mayor's direction and supervision;
8. Present annually at a time designated by the board, a "state of the

county" message, setting forth programs and recommendations to the board;

9. Supervise the daily activities of employees;

10. Serve as the official representative and ceremonial dignitary for the government of Orange County, with prerogative to issue proclamations;

11. Sign ordinances, resolutions and documents for the board;

12. Call the board into regular and special session; and

13. Carry out other powers and duties as required by this Charter or may be prescribed by the board.

(Amended November 1988; November 2004)

Sec. 303. County administrator.

There shall be a county administrator who shall be appointed by the county mayor and confirmed by the board and shall serve at the pleasure of the mayor. The county administrator shall be nominated and selected on the basis of professional training and executive and administrative experience as set forth by ordinance. The county administrator shall be employed on a full-time basis to assist the county mayor in the daily management of the county.

A. *Compensation.* The county administrator's salary will be established by resolution of the board after recommendation by the county mayor.

B. *Vacancy.* The county mayor may designate a qualified county administrative officer or county employee to exercise the powers and perform the duties of the county administrator during the county administrator's absence or disability. If there is a vacancy in both the offices of county mayor and the county administrator, the board shall designate by resolution a qualified person to perform the duties of the county administrator.

(Amended November 2004)

ARTICLE IV. ADMINISTRATIVE DIVISIONS, OFFICERS AND AGENCIES

Sec. 401. General provisions.

The activities under the direction and supervision of the county mayor shall be distributed among such initial divisions and agencies as are established by this Charter or may be established, merged or abolished thereunder by the administrative regulations. Except as provided by this Charter, each such division or agency shall be administered by an officer appointed by and subject under this Charter to the direction and supervision of the county mayor.

(Amended November 1988; November 2004)

Sec. 402. Initial divisions and administrative regulations.

A. [*Initial divisions.*] The following initial divisions are hereby established:

1. Community rehabilitative services.

2. Fire and rescue services.

3. Public utilities.

4. Administrative support.

5. Health and human services.

6. Public works and development.

7. Civic facilities.

8. Legal services.

B. *Administrative regulations.* The county mayor shall prepare administrative regulations and submit same to the board for review, amendment and adoption, which regulations shall set forth the organization of Orange County government and the nature and scope of each division together with rules, procedures and personnel for operation of said divisions.

(Amended November 1988; November 2004)

Sec. 403. [Reserved.]

(Repealed November 1988)

ARTICLE V. PLANNING AND ZONING COMMISSION AND BOARD OF ZONING ADJUSTMENT

Sec. 501. Creation of Orange County Planning and Zoning Commission.

There shall be a planning and zoning commission whose membership shall be determined by the board.

A. *Functions, powers and duties of the planning and zoning commission.* The planning and zoning commission shall:

1. Propose amendments and revisions to the comprehensive and coordinated general plan to meet present requirements and such future requirements as may be foreseen, and propose amendments and revisions to the official zoning maps showing the zones and districts as established by the comprehensive plan;
2. Conduct public hearings as required to hear requests for zoning changes; and
3. Perform any other duties which may be lawfully assigned to it.

(Amended November 1988)

Sec. 502. Creation of board of zoning adjustment.

There shall be a board of zoning adjustment whose membership shall be determined by the board of county commissioners.

A. *Functions, powers and duties of the board of zoning adjustment.* The board of zoning adjustment shall:

1. Hear and decide appeals taken from the requirement, decision or determination made by the planning or zoning department manager where it is alleged that there is an error in the requirement, decision or determination made by said department manager in the enforcement of zoning regulations;
2. Hear and decide only such special exceptions as the board of zoning adjustment is specifically authorized to pass on by the terms of the zoning resolutions;
3. Authorize upon appeal in specific cases such variance from the terms of the zoning resolutions as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning resolutions would result in unnecessary hardship; and
4. Perform any other duties which may be lawfully assigned to it.

(Amended November 1988)

Sec. 503. Review of planning and zoning commission's and board of zoning adjustment's decisions.

Any person aggrieved by any decision of the planning and zoning commission or board of zoning adjustment may file a notice of appeal to the board of county commissioners. Said appeal shall be processed and heard in accordance with such procedures as are prescribed by Orange County Code.

(Amended November 1988)

Sec. 504. [Reserved.]

Sec. 505. Voluntary annexation.

(a) (1) The board of county commissioners may designate as "preservation districts" any areas of Orange County that are not within municipalities and that have existing historical and cohesive residential communities located within rural settlements as identified by the county's comprehensive plan (or within such successor land use categories as the board may from time to time use in the comprehensive plan).

(2) There is created as a preservation district the "Dr. Phillips Urban Preservation District" in unincorporated Orange County. It has existing historical and residential communities which form a cohesive whole.

Its boundaries and description are respectively set forth at Appendixes "A" and "B" to Orange County Ordinance No. 98-08.

(3) There is created as a preservation district the "Taft Urban Preservation District" in unincorporated Orange County. It has existing historical and residential communities which form a cohesive whole. Its boundaries and description are respectively set forth at Appendixes "A" and "B" to Orange County Ordinance No. 2000-18.

(4) There is created as a preservation district the "Pine Castle Urban Preservation District" in unincorporated Orange County. It has existing historical and residential communities which form a cohesive whole. Its boundaries and description are respectively set forth at Appendixes "A" and "B" to Orange County Ordinance No. 2002-11.

(b) Voluntary annexation in a preservation district may occur only if it is approved by a majority of the board of county commissioners after an advertised public hearing and by a majority of the registered electors residing within the boundaries of the preservation district in which the property or properties lie and voting on the question. The vote by the registered electors residing within the preservation district shall be conducted in accordance with Florida laws pertaining to annexation elections, and the board of county commissioners may adopt regulations and procedures to implement this method of voluntary annexation.

(c) The annexation requirements in subsection (b) shall not apply to the Dr. Phillips Urban Preservation District, or the Taft Urban Preservation District, or the Pine Castle Urban Preservation District if and to the extent their application would impair contractual rights under any agreement existing prior to the date the district in question was created.
(Created November 1992, Amended September 1998; Ord. No. 2000-18, § 2, 8-9-00; Ord. No. 2002-11, § 1, 8-20-02)

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Sec. 601. Initiative and referendum.

The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.

A. *Charter.* A petition seeking to amend or repeal the Charter of Orange County shall be signed by ten (10) percent of the county electors in a majority of the commission districts as of January 1 of the year in which the petition is initiated.

B. *Ordinance.* A petition seeking to enact, amend or repeal an ordinance shall be signed by seven (7) percent of the county electors in each commission district as of January 1 of the year in which petition is initiated.

(Amended November 1988)

Sec. 602. Procedure for initiative and referendum.

The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days verify the signatures thereon and submit a written report to the board.

A. *Charter.* Within thirty (30) days after the requisite number of names have been

verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.

B. *Ordinance.* Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

C. The initiative power shall not be restricted, except as provided by general law and this Charter.

(Adopted November 1988)

Sec. 603. Limitation.

The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.
(Renumbered pursuant to amendments adopted November 1988)

Sec. 604. Power of recall.

The electors of the county shall have the power to recall any elected Charter officer in accordance with the laws of the State of Florida.
(Renumbered pursuant to amendments adopted November 1988)

State law reference—Recall, F.S. § 100.361.

Sec. 605. Nonpartisan elections.

Elections for all Charter offices shall be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.

In the event that more than two (2) candidates have qualified for any single office under the chartered government, an election shall be held at the time of the first primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.
(Created November 1992)

ARTICLE VII. GENERAL PROVISIONS

Sec. 701. Charter amendment by board.

The board, by a majority vote of all members, shall have the authority to propose amendments to this Charter subject to referendum of the general electorate, at any primary, general or special election.
(Amended November 1988)

Sec. 702. Charter review commission.

A. A Charter review commission shall be appointed by the board. The Charter review commission shall consist of not less than eleven (11) members and not more than fifteen (15) members.

All members of the Charter review commission shall be electors of the county. No elected official shall be appointed as a member of the Charter review commission.

B. The Charter review commission shall be empowered to conduct a comprehensive study of any or all phases of county government. The Charter review commission shall be appointed no later than February 1, of the year prior to a presidential election year and shall adjourn sine die no later than the Monday following that election. A Charter review commission will be appointed on a four-year cycle. A Charter review commission may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the board of county commissioners at least sixty (60) days prior to the election. Such amendments or revisions do not require the approval of the board of county commissioners.

C. The Charter review commission shall hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public.

D. The Charter review commission shall create and elect appropriate officers as it deems necessary and proper for the orderly conduct of its specific duties.

E. The board shall defray any reasonable expenses of the Charter review commission.
(Amended November 1988; November 1992; November 1996)

Sec. 703. County officers.

A. The charter offices of property appraiser, tax collector and sheriff formerly created by this section 703 are abolished. The functions and duties of each of these respective charter offices are transferred to the property appraiser, tax collector, and sheriff, as county officers under Article VIII, Section 1(d) of the Florida Constitution and each of these offices is hereby reestablished under Article VIII, Section 1(d) of the Constitution of the State of Florida.

This subsection A. shall take effect on January 8, 1997. The holders of the former charter offices of property appraiser, tax collector and sheriff as of the effective date shall be retained and shall constitute the initial county officers serving as property appraiser, tax collector and sheriff, as those offices are reestablished under Article VIII, Section 1(d) of the Constitution of the State of Florida.

B. Except as may be specifically set forth in the Charter, the county officers referenced under Article VIII, Section 1(d) of the Florida Constitution and Chapter 72-461, Laws of Florida, shall not be governed by the Charter but instead governed by the Constitution and laws of the State of Florida.
(Created 1992, effective January 1995; amended November 1996)

State law reference—County constitutional officers, Fla. Const. art. VIII, § 1(d).

Note—See: *Charter Review Commission v. Scott, et al.*, 647 So.2d 835 (Fla 1994).

Sec. 704. Conflict of county ordinances with municipal ordinances; preemption.

A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.

B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:

1. The county sets minimum standards for (a) regulating adult entertainment and (b) protecting the environment by prohibiting or regulating air or water pollution, but only to the extent that such minimum standards are stricter than the applicable municipal standards.
2. The county ordinances provide that the county's and any municipality's rezonings or comprehensive-plan amendments (or both) that increase residential density are effective only upon approval by the governing boards of all significantly affected local governments when:
   (a) The attendance zone for any public school to be affected by the increase in residential density lies only partly inside a municipality; and

(b) The school district cannot certify to the governing boards of all significantly affected local governments that the school, the attendance zone for which straddles a municipal boundary, can accommodate the additional students that will result from the increase in residential density.

The ordinance shall provide that the above-described rezonings and comprehensive-plan amendments take effect only upon approval of each significantly affected local government, whether the county or any municipality therein. The ordinance may include exceptions for *de minimis* impacts to the affected school(s) and such terms, requirements, limitations, exceptions, and other provisions that may be necessary or useful to protect property rights, comply with applicable law, and carry out the intent and purposes of this subsection.

Should a court of competent jurisdiction hold, after all appeals, that the ordinance does not afford the municipalities the same opportunity as the county to approve or deny the aforementioned comprehensive-plan amendments and rezonings when they are significantly affected local governments, the ordinance shall terminate and be of no further force and effect. This paragraph 2 shall be offered to the electors for re-approval at referendum at the General Election in 2012. If not re-approved by the electors, this paragraph 2 and the corresponding reference in subsection C shall stand repealed as of January 1, 2013.

C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult-entertainment standards, or pollution regulatory standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary. In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.
(Amended November 1988; November 1996; November 2004)

State law reference—County charter to provide for resolution of conflict between county and municipal ordinances, Fla. Const. art. VIII, § 1(g).

Sec. 705. Bonds.

The board may issue bonds as provided by the general law of the State of Florida. All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall continue to be the obligation of the county.
(Amended November 1988)

State law reference—County bonds, F.S. ch. 130.

Sec. 706. Legal actions involving county.

In any legal actions by or against the county, the county as a corporate body, shall be the party named, and shall appear and participate in the cause on behalf of the division, officer or employee in such cause, other than constitutional officers and their employees, where such legal action involves matters within the scope of said department's, officer's, or employee's responsibilities.

Sec. 707. Code of ethics.

The code of ethics, as provided by general law, shall have full effect on all employees and officeholders under the charter government. Penalty for violation shall be as provided by general law.

State law reference—Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 708. Existing contracts.

No provision of this Charter shall be construed to interfere with any valid contract entered into by the former county government.

Sec. 709. Uniform budget procedure.

All county divisions, offices, agencies and boards shall operate under a unified and uniform budget system. No officer or employee of the county shall be compensated by fees, and all fees collected by any division, office, agency or board shall be deposited in the county treasury.

State law reference—County annual budget, F.S. ch. 129.

Sec. 710. Effect on special acts.

In the furtherance of the orderly exercise of the power of local government for the benefit of the people in Orange County, the special acts of the

legislature related [relating] to Orange County shall remain in full force and effect until amended or superseded by the legislative procedures and powers vested in the charter government of Orange County and by the Constitution and laws of Florida.

State law reference—Authority to amend certain special acts, Fla. Const. art. VIII, § 6(d).

Sec. 711. Home Rule Charter transition.

Unless otherwise expressly provided for in this Home Rule Charter, the adoption of this Home Rule Charter shall not affect any existing obligations of Orange County, the validity of any of its ordinances, or the term of office of any elected county officer which term shall continue as if this Charter had not been passed.

Sec. 712. Audits of county officers.

The Orange County Comptroller is authorized and required to conduct audits, including performance audits, of the offices of the sheriff, property appraiser, tax collector, clerk of court, and supervisor of elections, and the Orange County Board of County Commissioners shall be authorized and required to order audits, including performance audits, of the office of the Orange County Comptroller.

(Created November 1996; former section 712 repealed November 1988)

ARTICLE VIII. CITIZEN REVIEW BOARD

Sec. 801. Citizen review board.

A. There is hereby created the Orange County Citizen Review Board composed of not less than seven (7) nor more than eleven (11) members, two (2) of whom shall be appointed by the office of sheriff, with the remainder appointed by the board of county commissioners. The composition of the citizen review board shall reflect the ethnic, racial and economic diversity of Orange County. The citizen review board shall be charged with reviewing citizen complaints and departmental investigations thereof regarding the use of force or abuse of power by any officer or employee of the office of sheriff. The board of county commissioners shall specify the number of members and may from time to time provide for rules of procedure and other administrative matters by ordinance.

B. For the purpose of conducting investigations pursuant to this section, the citizen review board may subpoena witnesses, administer oaths, take testimony and require production of evidence. Any person who fails or refuses to obey a lawful order or subpoena issued in the exercise of these powers shall be guilty of a misdemeanor upon conviction and shall be punished according to law. Upon completion of any investigation or inquiry, the citizen review board shall issue to the office of sheriff its finding of facts and recommendations.

(Created November 1992, effective January 1995)

Cross reference—City review board, § 2-193 et seq.

Note—See: *Charter Review Commission v. Scott, et al.*, 647 So.2d 835 (Fla 1994).

ARTICLE IX. ORANGE COUNTY/CITY OF ORLANDO CONSOLIDATION OF SERVICES STUDY COMMISSION

Sec. 901. Orange County/City of Orlando Consolidation of Services Study Commission.

A. The Board of County Commissioners ("County") shall appoint five members and the Orlando City Council ("City") shall appoint four members to serve on the Orange County/City of Orlando Consolidation of Services Study Commission. An additional two members may be appointed by majority vote of the Orange County legislative delegation. All members of the Orange County/City of Orlando Consolidation Study Commission shall be electors of the County and shall include a broad base of representation from throughout the community. No elected official shall be appointed as a member of the Orange County/City of Orlando Consolidation Study Commission.

B. The Orange County/City of Orlando Consolidation Study Commission shall be empowered to conduct a comprehensive study of the consolidation of City/County government services and shall be specifically charged with providing a report to the City and County with specific findings and recommendations regarding efficiencies in service

delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues. The Orange County/City of Orlando Consolidation Study Commission shall be appointed no later than February 1, of the year after approval of a majority of the electors voting on the question at referendum and shall adjourn sine die no later than 18 months following that election.

C. The Orange County/City of Orlando Consolidation Study Commission shall hold no less than four public hearings prior to presenting its report to the County and City, which report shall be presented no later than September 1 following its adjournment.

D. The Orange County/City of Orlando Consolidation Study Commission shall create and elect appropriate officers, as it deems necessary and proper for the orderly conduct of its specific duties.

E. The County shall pay the reasonable expenses of the Orange County/City of Orlando Consolidation Study Commission. The City shall have the option to provide staff assistance to the Consolidation Study Commission and assist with such expenses.

F. The County may enact an ordinance to adopt the provisions of this section, which shall prevail over any municipal ordinance to the extent of any conflict.
(Amended November 2004)

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