

**REVIEW OF FLORIDA COUNTY CHARTERS
REQUIREMENTS FOR FISCAL REVIEW OR IMPACT STATEMENT OF CHARTER AMENDMENTS**

Of the sixty-seven counties in the state of Florida, twenty (30%) are charter counties (See Attachment #1). Of the twenty charter counties, the charters of four counties provide for some degree of a fiscal or financial impact statement be prepared for charter amendments. Staff of the Business and Support Services Department reviewed the charters of these four Florida charter counties and have summarized below the provisions regarding fiscal impact statements for proposed charter amendments. The attachments include the specific charter sections pertaining to fiscal impact and, in one case, how the statements appeared on an actual ballot.

County	Fiscal or Financial Impact Provisions	When Enacted	Require Statement On Ballot?	Has This Been Applied?
Brevard	<p>Section 7.4.2 of Charter - Requires the Charter Review Commission to obtain an analysis of a proposed charter amendment prior to the transmittal of the proposed charter amendment to the County Commission. (Attachment #2)</p> <p>Does not specify what entity prepares the analysis. Does not require the analysis be included on the ballot with the proposed charter amendment.</p> <p>Applies only to charter amendments proposed by the Charter Review Commission. Does not apply to amendments proposed through citizen initiative or by the Board of County Commissioners.</p>	2010	No	No – Was approved at November 2, 2010 general election.
Broward	<p>Section 11.09 of Charter – Requires a separate financial impact statement, not exceeding 75 words, be placed on the ballot immediately following the ballot question. The statement estimates the increase or decrease in revenues or costs to the County resulting from the approval of any proposed charter amendment. (Attachment #3)</p> <p>Charter requires the County Auditor to prepare the statement. Charter requires the County Commission to place the statement on the ballot.</p> <p>Applies to amendments proposed by the Charter Review Commission, by citizens through the initiative process or the Board of County Commissioners.</p>	2008	Yes – May not exceed 75 words	Yes – Applied to 10 proposed amendments on November 2, 2010 ballot. (Attachment #4)

County	Fiscal or Financial Impact Provisions	When Enacted	Require Statement On Ballot?	Has This Been Applied?
Orange	<p>Section 702 of Charter - Requires the Charter Review Commission to request an analysis and financial impact statement of the estimated increase or decrease of revenues or costs to the county or local governments or to the citizens of a proposed charter amendment. Analysis and statement are included with the report delivered by the Charter Review Commission to the Board of County Commissioners at least 60 days prior to the referendum on the revision. (Attachment #5)</p> <p>The charter also requires that the analysis be prepared by the Orange County Comptroller or another independent entity or agency.</p> <p>Applies only to charter amendments proposed by the Charter Review Commission. Does not apply to amendments proposed by the Board of County Commissioners. No provision in charter for amendment through petition process.</p>	2008	Yes – A summary of the analysis or financial impact statement is required on the ballot. No mention of a limitation on the number of words.	No – There were no charter amendments on the 2010 general election ballot.
Seminole	<p>Section 4.2D of Charter – Board of County Commissioners is authorized to provide by county ordinance for the provision of a statement to the public regarding the probable financial impact of any proposed charter amendment. The ordinance may provide that the proposed amendment be submitted to the County for fiscal analysis as a prerequisite to placement on the ballot and that the fiscal impact be reflected in any proposed language. (Attachment #6)</p> <p>Does not specify what entity prepares the analysis. Reading of the charter suggests that Board of County Commissioners can require financial statements on a case-by-case basis.</p> <p>Applies to amendments proposed by the Charter Review Commission, by citizens through the initiative process or the Board of County Commissioners.</p>	2006	Reading of the charter suggests that Board of County Commissioners can require financial statements be placed on ballot with proposed amendment on a case-by-case basis.	No – No charter amendment questions were placed on ballot for 2008 or 2010 general elections.

Charter County Information

In 1968, the electors of Florida granted local voters the power to adopt charters to govern their counties. Charters are formal written documents that confer powers, duties, or privileges on the county. They resemble state or federal constitutions and they must be approved, along with any amendments, by the voters of a county.

According to several Florida constitutional scholars, the establishment of charter government was designed to remove the resolution of local problems from the state legislature's busy agenda and to grant the county electorate greater control over their regional affairs.

To date, there are 20 charter counties in Florida. Collectively these counties are home to more than 75 percent of Florida's residents.

	Year Charter Adopted	No. of Municipalities	Population (April 2009)
Alachua 38.4 KB <i>NO</i>	1987	9	254,600
Brevard 1.4 MB <i>YES 2010</i>	1994	15	554,059
Broward 235.5 KB <i>YES</i>	1975	31	1,742,915
Charlotte 41 KB <i>NO</i>	1986	1	164,326
Clay 128.7 KB <i>NO</i>	1991	4	185,208
Columbia 82.6 KB <i>NO</i>	2002	2	62,797
Duval 725.3 KB <i>NO</i>	1968	5	899,905
Hillsborough 951.2 KB <i>NO</i>	1983	3	1,195,619
Lee 832.7 KB <i>NO</i>	1996	5	614,833
Leon 41.9 KB <i>NO</i>	2002	1	273,173
Miami-Dade 242.1 KB <i>NO</i>	1957	34	2,462,182
Orange 1.2 MB <i>YES 2008</i>	1987	13	1,105,931
Osceola 37 KB <i>NO</i>	1992	2	272,389
Palm Beach 290 KB <i>NO</i>	1985	37	1,283,321
Pinellas 1.1 MB <i>NO</i>	1980	24	929,855
Polk 1.2 MB <i>NO</i>	1998	17	580,757
Sarasota 360 KB <i>NO</i>	1971	4	389,308
Seminole 53.5 KB <i>YES 2006</i>	1989	7	423,574
Volusia 114.9 KB <i>NO</i>	1971	16	505,119
Wakulla 840.5 KB <i>NO</i>	2008	2	28,972

CRC RESOLUTION NO. 2010-003

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE FOR THE CHARTER REVIEW COMMISSION TO OBTAIN AN ANALYSIS OF THE FISCAL IMPACT OF A PROPOSED CHARTER AMENDMENT PRIOR TO TRANSMITTAL OF THE PROPOSED CHARTER AMENDMENT TO THE COUNTY COMMISSION; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2010 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, the Charter of Brevard County, Florida mandates that the Charter Review Commission, within one year from the date of its first meeting, 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 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, 2010 General Election, a special referendum issue, the subject of which is to provide for a new Section 7.4.2 of the Brevard County Charter, which would require the Brevard County Charter Review Commission to obtain an analysis of the fiscal impact of a proposed amendment to the Brevard County Charter prior to transmittal of the proposed charter amendment to the Brevard County Commission, as more fully set forth in **Exhibit "A"**.

SECTION 2: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**REQUIRES ANALYSIS OF FISCAL IMPACT OF A PROPOSED
CHARTER AMENDMENT BY THE CHARTER REVIEW COMMISSION**

Shall the Brevard County Charter be amended to require that the Brevard County Charter Review Commission obtain an analysis of the fiscal impact of a proposed charter amendment prior to transmittal of the proposed charter amendment to the Brevard County Commission for placement on the ballot for consideration by the electors of Brevard County?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of Brevard County, Florida.

SECTION 4: That the County Attorney is hereby directed to insure 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 5: 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 6: That this resolution shall become effective immediately upon its adoption.
Adopted this 8th day of July, 2010.

Kendall T. Moore, Chairperson

**RECORD OF VOTE
(CRC 2010-003)**

BOBAY	DISTRICT 1	___	PORTER	DISTRICT 2	___
FINNEY	DISTRICT 2	___	ROSASCO	DISTRICT 3	___
HARRIS	DISTRICT 1	___	SCHMITT	DISTRICT 4	___
HOLTON	DISTRICT 5	___	YOUNG	DISTRICT 3	___
JENKINS	DISTRICT 4	___	ZILAITIS	DISTRICT 5	___
LAMB	DISTRICT 5	___			
LUDWICZAK	DISTRICT 4	___			
LUNDGREN	DISTRICT 2	___			
MOORE	DISTRICT 1	___			
NYE	DISTRICT 3	___			

Resolution **CRC 2010-003** passed _____ on July 8, 2010.

BREVARD COUNTY CHARTER REVIEW COMMISSION

Attest: _____
 Maria Scruggs, Secretary, Charter Review Commission

SSG:DNT:dnt
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EXHIBIT "A"

SECTION 7.4 CHARTER REVIEW

* * *

7.4.2 ANALYSIS OF FISCAL IMPACT OF PROPOSED CHARTER AMENDMENT

The Charter Review Commission shall obtain an analysis of the fiscal impact of a proposed charter amendment prior to transmittal of the proposed charter amendment to the County Commission.

Coding: Words in ~~streak-through~~ type are deletion from existing text.
Words in underscored type are additions.

- D. Term and Vacancies.
Broward County Ethics Commission members shall serve until a Code of Ethics is adopted by either the Broward County Commission or the electors of Broward County. If a member fails to attend any three (3) consecutive meetings of the Broward County Ethics Commission, that member shall be considered to have vacated his or her seat, and the vacancy shall be filled by appointment pursuant to Subsection B.
- E. Meetings.
The Broward County Ethics Commission shall hold its first meeting as soon as practicable after the appointment of its inaugural Board but no later than March 1, 2009. The Commission shall meet as needed and shall hold no less than eight (8) meetings.
- F. Chair and Vice-Chair.
At the first meeting of the Broward County Ethics Commission, the members shall appoint a Chair and Vice-Chair. The Chair and Vice-Chair shall serve for the duration of the Broward County Ethics Commission's existence.
- G. Sunset.
The Broward County Ethics Commission shall cease to exist upon adoption of the Proposed Ethics Code by the Broward County Commission or upon the consideration of the Proposed Ethics Code by the electors of Broward County, regardless of the outcome.

Section 11.09 FINANCIAL IMPACT OF PROPOSED COUNTY CHARTER AMENDMENTS

For all elections, beginning with the November 4, 2008, General Election, the County Auditor shall prepare, and the County Commission shall place on the ballot, immediately following the ballot question, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the County resulting from approval of any proposed Charter amendment.

ELECTION SAMPLE BALLOT ATTACHMENT #14

(of Board) You may select one (1) from each category. Make your selection by completely blackening in the oval to the left of your selection. Again, this is a SAMPLE, only to be used for educational purposes.

NO. 6
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 4
ARTICLE XII, NEW SECTION
Assessment of Working Waterfront Property
Based Upon Current Use

Provides for assessment based upon use of land used predominantly for commercial fishing purposes; land used for vessel launches into waters that are navigable and accessible to the public; and water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities, subject to conditions, limitations, and reasonable definitions specified by general law.

- YES
- NO

NO. 8
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 9
Local Option Community College Funding

Proposing an amendment to the State Constitution to require that the Legislature authorize counties to levy a local option sales tax to supplement community college funding; requiring voter approval to levy the tax; providing that approved taxes will sunset after 5 years and may be reauthorized by the voters.

- YES
- NO

BROWARD COUNTY INITIATIVES
CREATION OF THE BROWARD COUNTY
METROPOLITAN TRANSIT AUTHORITY

Currently the Charter provides for an Office/Department of Transportation that is managed by the County Administrator. Shall the Charter be amended to create an advisory body to be known as the Metropolitan Transit Authority, governed by an appointed Board of Trustees, which will have the responsibility to recommend improvements to the County's public transit plan, programs, and operations, and to assist with the coordination of a comprehensive, regional public transit system in Broward County?

It is estimated that this amendment would result in an annual financial impact of approximately \$72,000 in costs to Broward County. These costs are estimated to arise from annual administrative and legal support that would be provided by the County to the Metropolitan Transit Authority.

- YES
- NO

PROVIDING FOR THE NON-INTERFERENCE
OF THE COUNTY COMMISSION IN MATTERS
RELATING TO COUNTY ADMINISTRATION

The current Charter requires the County Commission to adopt an ordinance prohibiting the interference of the County Commission or individual County Commissioners in matters relating to County Administration. Shall the Charter be amended to specifically prohibit the County Commission or individual County Commissioners from interfering directly with County employees and provide that all recommendations to the County Administration be made through the County Administrator, except for the purposes of formal inquiries and investigations?

It is estimated that this amendment will have no financial impact to Broward County.

- YES

REQUIRING COUNTY COMMISSIONERS
WITH A VOTING CONFLICT TO
NOT PARTICIPATE IN DISCUSSION
ON THAT MATTER

State law currently allows County Commissioners who recuse themselves from voting on a matter being considered by the Commission to participate in the discussion on that matter. Shall the Charter be amended to require Commissioners who recuse themselves due to a voting conflict resulting from a financial interest in the matter to leave the Commission chamber and not to communicate or participate in any discussion on that matter?

It is estimated that this amendment will have no financial impact to Broward County.

- YES
- NO

THE CREATION OF A BROWARD COUNTY
HOUSING COUNCIL

In order to serve the public interest, the County Charter provides for the creation of certain councils. Shall the Charter be amended to provide for a Broward County Housing Council to serve in a non-taxing advisory capacity to facilitate coordination between the County, municipalities, businesses and not-for-profit groups to address such issues as affordable and workforce housing and homelessness, and to make annual recommendations regarding streamlining governmental regulations and enhancing housing stability?

It is estimated that this amendment would result in an annual financial impact of approximately \$185,000 in costs to Broward County. These costs are estimated to arise from annual administrative and legal support that would be provided by the County to the Broward Housing Council.

- YES
- NO

STATEMENT REGARDING THE
IMPLEMENTATION OF POLICY WITH A
REGIONAL AND COUNTYWIDE FOCUS

There is currently no language in the Broward County Charter detailing the County's role as a regional and countywide authority. Shall a policy statement be added to the Broward County Charter defining the Broward County government's duty to develop and implement programs, policies and budget with a countywide and regional focus, without being precluded from delivering services on a less than countywide basis?

It is estimated that this amendment will have no financial impact to Broward County.

- YES
- NO

BROWARD COUNTY PARK
PRESERVATION

The Charter currently does not contain a mechanism to protect parks owned by the County. Shall the Charter be amended to designate County-owned parks as either Natural Area Parks or Regional Parks, and to prohibit the sale, transfer or change of use of such parks without an affirmative vote of sixty percent (60%) of the County electors?

It is estimated that this amendment will have no financial impact to Broward County.

- YES
- NO

STATEMENT REGARDING THE ENACTMENT
OF POLICIES PROTECTING CITIZENS'
RIGHT TO A SUSTAINABLE ENVIRONMENT

There is currently no language in the Broward County Charter detailing the County Commissioners' duty to protect the environment. Shall an environmental policy statement be added to the Broward County Charter

clean water, while encouraging the stewardship of natural resources?

The financial impact of this amendment to Broward County cannot be determined. The financial impact of environmental sustenance ordinances, which have not yet been proposed or enacted, may not be estimated at this time. The financial impact may also not be estimated because the amendment does not contain a timeframe for the enactment of such sustenance ordinances.

- YES
- NO

THE CREATION OF A BROWARD COUNTY
ETHICS COMMISSION

The County Charter provides for the creation of certain councils; and Chapter 112, Florida Statutes, provides a general Code of Ethics which applies to certain public officials. Shall the Charter be amended to create a Broward County Ethics Commission for the specific purpose of preparing a Code of Ethics regulating the behavior of Broward County Commissioners, to be considered by the County Commission and/or the electors of Broward County?

It is estimated that this amendment would result in a one-time, cost of approximately \$73,000 to \$100,000 to Broward County. This cost is estimated to arise from administrative and legal support that would be provided by the County to the Broward County Ethics Commission.

- YES
- NO

INDEPENDENT REDISTRICTING
CONSULTANT FOR COUNTY COMMISSION
SINGLE-MEMBER DISTRICTS

The Broward County Charter currently provides for the County Commission to divide the County into nine single-member districts. Shall the Charter be amended to provide for the use of an independent redistricting consultant to develop plans and implement appropriate standards for redistricting of the County Commission single-member districts?

It is estimated that this amendment would result in a financial impact of approximately \$53,000 to \$184,000 in Fiscal Year 2011, and an unquantifiable financial impact every ten (10) years thereafter. These costs are estimated to arise from obtaining the services of an independent redistricting consultant as required by the amendment.

- YES
- NO

MANAGEMENT AND EFFICIENCY STUDY
COMMITTEE MEETING SCHEDULE

The Charter currently provides that the Management and Efficiency Study Committee shall convene every six (6) years. It is scheduled to convene next in 2010. Shall the Charter be amended to require the Management and Efficiency Study Committee to meet in 2009 and every six (6) years thereafter in order to provide for a one (1) year hiatus between the meeting of the Charter Review Commission and the Management and Efficiency Study Committee?

It is estimated that this amendment will have no financial impact to Broward County.

- YES
- NO

VOTERS IN THE FOLLOWING MUNICIPALITIES
HAVE INITIATIVES OR CANDIDATES
ON THE BALLOT.

- Municipalities and Special Districts:**
- Dania Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderhill, Pompano Beach, West Park, Lauderdale Lakes, Southwest Ranches, Tamarac and Wilton Manors
 - Broward Soil and Water Conservation District
 - Central Broward Water Control District
 - South Broward Drainage District

Broward County 2010 Ballot

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, provided 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. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The Charter review commission shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis. The Charter review commission shall include a summary of the analysis or financial impact statement on the ballot language for any proposed changes to the Charter. Such amendments or revisions do not require the approval of the board.

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; November 2008)

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 836 (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.

Fiscal Impact

D. Fiscal Impact of Proposed Charter Amendments.

The Board of County Commissioners is authorized to provide by county ordinance for the provision of a statement to the public regarding the probable financial impact of any proposed charter amendment. The ordinance may provide that proposed amendments be submitted to the County for fiscal analysis as a prerequisite to placement on the ballot and that the fiscal impact be reflected in any proposed ballot language. (Ord. No. 2006-61, Adopted at Election 11-07-06)

Section 4.3 Severance.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared severable.

Section 4.4 Home Rule Charter Effective Date.

This Charter shall become effective on January 1, 1989.

ARTICLE V

MISCELLANEOUS PROVISIONS⁷

Section 5.1 Casino Gambling.

A. Reservation of Power by the Electorate.

The citizens of Seminole 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

⁷The sections of Article V have been renumbered 5.1 "Casino Gambling" and 5.2 "Rural Boundary and Rural Area" from 1.1 and 1.2, respectively to be consistent with the original numbering standards of the Home Rule Charter provisions and to prevent confusion with provisions in Article I, for codification. The subsection lettering of Article V, Section 5.2, formerly Article V, Section 1.2 has been changed from lowercase to uppercase for codification.