

## 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 THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE FOR A CHARTER AMENDMENT WHICH AMENDS SECTION 7.4.1 TO CLARIFY WHAT HAPPENS TO A PROPOSAL THAT IS FOUND BY THE ATTORNEY REVIEW PANEL NOT TO BE CONSISTENT WITH THE FLORIDA CONSTITUTION, GENERAL LAW, OR THE CHARTER; PROVIDING FOR 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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal 1 (Amendment to Section 7.4.1 relating to the Attorney Review Panel) as set forth in CRC Resolution 2022-001 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 to conduct 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 2022-001, 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. 1.** 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 shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**BREVARD COUNTY CHARTER AMENDMENT**  
**PROPOSAL NO. 1 – ATTORNEY REVIEW PANEL**

The County Charter does not say what will be done when the Charter's attorney review panel determines that a proposed Charter amendment is inconsistent with the Florida Constitution, general law, and existing charter. Shall the Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, general law, or the existing Charter be returned to the County Commission or Charter Review Commission for further action if any is to be done?

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR REJECTION

**SECTION 7. CHARTER AMENDMENT. Proposal No. 1.** 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. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this charter, then the proposal is considered rejected and is returned to the county commission or to the charter review commission for further action if any is to be done.

B. The above amendment to Article 7, Section 7.4.1, shall become effective upon approval of the electors of Brevard County, and the amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

**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.

**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

Reviewed for legal form and content:

As approved by the Board on \_\_\_\_\_

\_\_\_\_\_  
County Attorney

## **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 THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 7.3.3 TO REQUIRE APPROVAL OF ANY CHARTER AMENDMENT BY AT LEAST SIXTY PERCENT OF THE ELECTORS VOTING; PROVIDING FOR 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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal No. 2 (Amendment to Section 7.3.3 relating to the approval by sixty percent of the voters voting on a charter amendment proposal) as set forth in CRC Resolution 2022-002 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 to conduct 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 2022-002, 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. 2.** 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 shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**BREVARD COUNTY CHARTER AMENDMENT**  
**PROPOSAL NO. 2 – APPROVAL BY 60% OF VOTERS**  
**VOTING ON AMENDMENT**

Shall the Charter be amended to require a vote of at least sixty percent of those voters voting on a proposed amendment be required to adopt the proposal? The Brevard County Charter currently requires amendments be approved by a simple majority.

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR REJECTION

**SECTION 7. CHARTER AMENDMENT. Proposal No. 2.** The full text of the proposed CRC amendment reads as follows:

A. Section 7.3.3 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. 7.3.3. - Amendment referendum.**

The ~~board of county commissioners~~ Board of County Commissioners will cause any ~~charter~~ Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval or rejection. Upon receipt of the official certification from the ~~supervisor of elections~~ Supervisor of Elections that the initiative requirements have been met, the ~~board~~ Board will, within 30 days, establish the referendum date. The proposed amendment will be placed on the ballot at a special election held concurrent with the next countywide election, or at any earlier special election called for that purpose. If the ~~board~~ Board refuses to comply with Section 7.3.2 or refuses to place the proposed amendment on the ballot as required by this section of the charter, the ~~board's~~ Board's action may be construed as interfering with the right of the people to petition and may be considered an act of malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution.

Notice of said referendum, together with the language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first publication being not more than forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval by a vote of at least sixty percent of the ~~a majority of~~ electors voting on the measure ~~in said election~~.

B. The above amendment to Article 7, Section 7.3.3. 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.

**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



## **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 THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 5.2 TO PROVIDE FOR RECALL OF CERTAIN COUNTY OFFICERS AND SCHOOL BOARD MEMBERS; 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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal No. 3 (Amendment to Section 5.2 relating to the recall of certain county officers and school board members) as set forth in CRC Resolution 2022-003 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 to conduct 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 2022-003, 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. 3.** 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 shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**BREVARD COUNTY CHARTER AMENDMENT**

**PROPOSAL NO. 3 – RECALL OF COUNTY OFFICERS  
AND SCHOOL BOARD MEMBERS**

The County Charter allows for the recall election and replacement of the Clerk of Court, Property Appraiser, Supervisor of Elections, Tax Collector, and Sheriff, in the manner provided for by state law for recall of County Commissioners. Shall the Charter be amended to add School Board Members to this list who may face recall election and replacement in the manner provided by state law for recall of County Commissioners?

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR REJECTION

**SECTION 7. CHARTER AMENDMENT. Proposal No. 3.** The full text of the proposed CRC amendment reads as follows:

A. Section 5.2 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. 5.2. - Recall.**

The county commissioners ~~County Commissioners~~ shall be subject to recall as provided by section 100.361, Florida Statutes, as amended or superseded from time to time ~~general law~~. Any elected county ~~County~~ officer named in Section 4.1.1, 4.2 of this charter ~~Charter~~ and school board members may be recalled in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for removal of a county commissioner ~~County Commissioner~~ of a charter county. A successor to the unexpired term of any recalled commissioner or elected county ~~County~~ officer, or school board member, shall be elected in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, general law for filling of vacancies in office after recall in charter counties.

B. The above amendment to Article 5, Section 5.2, 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.

**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

## **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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal No. 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 to conduct 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 shall be 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, Section 7.4.1, 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.

**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

**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 THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 2.7 PROVIDING FOR FILLING VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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.

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

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.

**WHEREAS**, Section 2.7 of the County Charter appears inconsistent with the foregoing constitutional and statutory provisions; and

**WHEREAS**, it is the desire of the Charter Review Commission to revise the County Charter to be consistent with the Florida Constitution and Florida law.

**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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal No. 5 (Amendment to Section 2.7 relating to vacancies and suspension in the office of County Commissioner) as set forth in CRC Resolution 2022-005 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 to conduct 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 2022-005, 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. 5.** 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 shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**PROPOSAL NO. 5 – FILLING A VACANCY IN THE TERM  
OF A COUNTY COMMISSIONER**

Revises the Charter to be consistent with the Florida Constitution and to provide that vacancies resulting from death, resignation, or removal from office of a County Commissioner with less than twenty-eight months remaining in the term shall be filled by the Governor. Vacancies with twenty-eight months or more remaining in the term will be filled by election by the voters.

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR REJECTION

**SECTION 7. CHARTER AMENDMENT. Proposal No. 8.** The full text of the proposed CRC amendment reads as follows:

A. Section 2.7 of the 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:

**Section 2.7 Vacancies and Suspensions.**

A vacancy or suspension 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 of the Governor; provided, a shall be defined and filled as provided by law. A vacancy created by recall shall be filled as provided in section ~~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.~~

B. The above amendment to Article 2, Section 2.7, shall become effective upon approval of the electors of Brevard County after November 8, 2022.

**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.

**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

Reviewed for legal form and content:

As approved by the Board on \_\_\_\_\_

\_\_\_\_\_  
County Attorney

## **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 CREATE SECTION 1.9 OF THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A WORKFORCE AND SUPPORTIVE HOUSING PROGRAM; 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 Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found amendment Proposal No. 6 (Amendment Creating Section 1.9 providing a Workforce And Supportive Housing Program), as set forth in CRC Resolution 2022-006, 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 to conduct 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 2022-006, 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. 6.** 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 shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**BREVARD COUNTY CHARTER AMENDMENT**

**PROPOSAL NO. 6 – WORKFORCE  
AND SUPPORTIVE HOUSING**

Creates Section 1.9 of the Charter. 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.

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR REJECTION

**SECTION 7. CHARTER AMENDMENT. Proposal No. 6.** The full text of the proposed CRC amendment reads as follows:

A. Section 1.9 Brevard County Home Rule Charter is hereby created 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. 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.

B. The above amendment creating Article 1, Section 1.9, 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.

**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

Reviewed for legal form and content:

As approved by the Board on \_\_\_\_\_

\_\_\_\_\_  
County Attorney