



COUNTY ATTORNEY'S OFFICE  
JEFFREY J. NEWTON, County Attorney

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February 23, 2021

Municipal Code Corporation  
P.O. Box 2235  
Tallahassee, FL 32316

**Re: Orange County, Florida Charter Amendments  
Approved by Voters on November 3, 2020**

Greetings:

Please allow this correspondence to serve as Orange County Government's request to update the text of its Charter.

On November 3, 2020, a majority of Orange County, Florida voters approved the following three (3) amendments to the Orange County Charter (underlined text indicates additions to, while ~~striketrough~~ text indicates deletions from, the Orange County Charter):

\_\_\_\_\_  
*Amendment #1*  
\_\_\_\_\_

**Section 704.1 – Right to Clean Water, Standing and Enforcement.**

**A. Natural Rights of Orange County Waters and Citizens.**

(1) The Wekiva River and Econlockhatchee River, portions of which are within the boundaries of Orange County, and all other Waters within the boundaries of Orange County, have a right to exist, Flow, to be protected against Pollution and to maintain a healthy ecosystem.

(2) All Citizens of Orange County have a right to clean water by having the Waters of Orange County protected against Pollution.

**B. Standing, Private Right of Action.**

Orange County, municipalities within Orange County, any other public agency within Orange County, and all Citizens of Orange County shall have standing to bring an action in their own name or in the name of the Waters to enforce the provisions of this Section of the Charter. Such actions shall be filed in the Ninth Judicial Circuit Court in and for Orange County, Florida, or,

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Joel D. Prinsell

*Senior Assistant County Attorneys*

Elaine M. Asad

Lila McHenry

*Assistant County Attorneys*

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Cristina T. Berrios

Linda Brehmer-Lanosa

Joy Carmichael

Whitney E. Evers

Georgiana Holmes

Aleas Koos

Katherine W. Latorre

Scott McHenry

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Dylan Schott

Scott Shevenell

Stephanie Stone

Adolphus Thompson

*Legal Administrative Supervisor*

Anna M. Caban

*Senior Paralegal*

Melessia Lofgren

*Paralegals*

Maria Vargas, ACP

Gail Stanford

where jurisdiction exists, in the United States District Court, Middle District of Florida, Orlando Division.

**C. Violations.**

It shall be unlawful and a violation of this Section of the Charter for any governmental agency, non-natural person or corporate entity to intentionally or negligently pollute the Wekiva River and Econlockhatchee Rivers within the boundaries of Orange County, or any other Waters within the boundaries of Orange County. Violations include the Pollution of Waters which exist exclusively on private property owned by the same person(s) or entity, but only where Pollution thereon interferes with or causes Pollution of other Waters within Orange County or unreasonably interferes with or is injurious to the health and welfare of others. This Section of the Charter applies only to violations that occur after the effective date of the amendment as provided in Subsection (H).

**D. Remedies.**

(1) Remedies for violations of this Section of the Charter shall be injunctive and/or other equitable relief, including but not limited to a writ of mandamus requiring the violator, to the greatest extent reasonably possible, to restore the Waters at issue to the condition as it existed prior to being polluted by the violator. The prevailing party shall be entitled to recover its reasonable costs, including costs of expert witnesses.

(2) Attorneys' fees are not compensable unless the court determines that the action brought under this Section of the Charter is frivolous, vexatious, or is brought solely for the purpose of harassing the defendant. If such a finding is made, the Court may also award reasonable attorneys' fees to the defendant as a sanction.

**E. Exception.**

The provisions of the Section shall not apply to Constructed Wetlands.

**F. Definitions.**

(1) "Citizen" or "Citizen of Orange County" means an adult resident of Orange County with legal residence in the United States who has resided within the county for at least one (1) year prior to filing an action under this Section.

(2) "Constructed Wetland" means a non-natural swimming pool and any artificial wetland that uses natural processes involving wetland

vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial water, greywater or stormwater runoff, to improve water quality.

(3) “Flow” shall have the same meaning as in FLA. STAT. § 373.042.

(4) “Pollutant” means any substance or contaminant, whether manmade or natural, that is the source or cause of Pollution.

(5) “Pollution” shall have the same meanings as in FLA. STAT. § 376.031(17) and Rule 62-520.200(15), Florida Administrative Code, and means the non-natural presence in the Waters of Orange County of any one or more substances, contaminants, noise, or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animals, fish, plant life, and water quality or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(6) “Waters” shall have the same meaning as in Rule 62-520.200(25), Florida Administrative Code, and includes, but is not limited to rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water within the boundaries of Orange County, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person or entity are included, but only to the extent the pollution thereon interferes or is injurious to other Waters, property or persons within Orange County.

**G. Severability and Conflicts.**

The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

**H. Effective Date.**

This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

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*Amendment #2*

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**ARTICLE X – PROTECTION OF THE SPLIT OAK FOREST MITIGATION PARK**

**Section 1000.01 – Split Oak Forest Mitigation Park (“Split Oak Forest”)**

**A. Description.** - Split Oak Forest is a Wildlife and Environmental Area of contiguous conservation land lying within Osceola and Orange County, with approximately 1,049 acres in Orange County and approximately 640 acres in Osceola County, and is more particularly described as:

Orange County Portion of Split Oak Forest

All of the South 1/2 of Section 27, Township 24 South, Range 31 East, less that portion thereof lying below the Meander line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South 1/2 of Section 27, Township 24 South, Range 31 East, lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

Osceola County Portion of Split Oak Forest

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE, as filed and recorded in the Office of the Clerk of the Circuit Court of Osceola County, Florida in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; Together with all

land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads. All in Osceola County, Florida.

**B. Charter Protection.** On March 29, 1994, Orange County, Osceola County and the Florida Communities Trust entered into a Grant Award Agreement, Contract #94-CT-07-91-1A-J1-009, recorded in Orange County at O.R. Book 4721, Page 2133 and in Osceola County at O.R. Book 1180, Page 0078. The purpose of the Agreement was, in part, to set forth the covenants and restrictions on the use of Split Oak Forest, which were intended to run with the land. On or about July 12, 1994, the Grant Award Agreement was amended to remove portions of the land from the collection of environmental mitigation fees. The Amendment to Grant Award Agreement and Modification of Interagency Agreement for Split Oak Mitigation Park is recorded in Orange County at O.R. Book 4876, Page 1083 and in Osceola County at O.R. Book 1249, Page 2942. In order to further preserve the conservation, wildlife, vegetation and environmental protection afforded Split Oak Forest under the Interagency Agreement and Grant Award Agreement, it is necessary to restrict the Orange County Board of County Commissioner's ability to amend or revoke those critical provisions of the Grant Award Agreement as amended.

**C. Restrictions.** Notwithstanding any general or special law of the State of Florida and its agencies to the contrary, the Orange County Board of County Commissioners is prohibited from:

1. Entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the Interagency Agreement, Grant Award Agreement as amended, and any other restrictive covenants running with the land described in subsection A as of the effective date of this charter amendment; and

2. Entering into any new contract or agreement with any other public or private party, which would supersede the restrictions on the use of Split Oak Forest contained in the Interagency Agreement, Grant Award Agreement as amended or any other restrictive covenant running with the land.

**D. Exception.** The prohibitions set forth in this section shall not apply to any action, negotiation, amendment, modification, agreement, ordinance or resolution entered into or undertaken by the Orange County Board of County Commissioners, which provides greater, additional, and/or more stringent

protections for the wildlife, vegetation and environment or the preservation of the use of Split Oak Forest as conservation land.

**E. Severability and Conflicts.** The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

**F. Effective Date.** This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections, and shall not require further enabling legislation by the Orange County Board of County Commissioners.

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*Amendment #3*

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**Sec. 602. - Procedure for initiative and referendum.**

A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and 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. Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. 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. The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing). In the event sufficient signatures are not submitted during that one-hundred-eighty-day period (as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.), the petition drive shall be rendered null and void and

none of the signatures may be carried over onto another petition. If sufficient signatures are submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

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**E. Legal review, financial impact; public hearing.**

1. *One (1) percent threshold.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.

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In addition to these three (3) amendments recently approved by the Orange County voters, there is a scrivener's error that also requires revision. The last sentence of section 602A. currently reads as follows on Municode.com:

*If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.*

The word "obtained" was inadvertently kept in this sentence despite a 2016 revision deleting it. Please correct this error by deleting the word "obtained" from the last sentence of section 602A.

If there are any questions regarding this information, please don't hesitate to contact my office. For your use and reference, attached, please find the Orange County Supervisor of Elections certification of the votes.

Thank you for your attention to this matter.

Sincerely,

*KWLatorre*

Kate Latorre  
Assistant County Attorney

Attachment: Certification of Orange County Supervisor of Elections

\*\*\* Official Results \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD  
ORANGE COUNTY**

We, the undersigned, TINA CARABALLO, County Judge, Chair, VICTORIA SIPLIN, County Commissioner, BILL COWLES, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Thirteenth day of November, 2020 A.D., and proceeded publicly to canvass the votes given for the Proposed Amendments to the Constitution of the State of Florida and Proposed Amendments to the Constitution of the State of Florida Referendums on the Third day of November, 2020 A.D. as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**NO. 1  
CONSTITUTIONAL AMENDMENT  
ARTICLE VI, SECTION 2  
CITIZENSHIP REQUIREMENT TO VOTE IN FLORIDA  
ELECTIONS**

This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida, and registered to vote, as provided by law, shall be qualified to vote in a Florida election.

Yes for Approval	440,782	votes
No for Rejection	169,597	votes

**NO. 2  
CONSTITUTIONAL AMENDMENT  
ARTICLE X, SECTION 24  
RAISING FLORIDA'S MINIMUM WAGE**

Raises minimum wage to \$10.00 per hour effective September 30th, 2021. Each September 30th thereafter, minimum wage shall increase by \$1.00 per hour until the minimum wage reaches \$15.00 per hour on September 30th, 2026. From that point forward, future minimum wage increases shall revert to being adjusted annually for inflation starting September 30th, 2027.

Yes for Approval	429,542	votes
No for Rejection	183,974	votes

**NO. 3  
CONSTITUTIONAL AMENDMENT  
ARTICLE VI, SECTION 5  
ALL VOTERS VOTE IN PRIMARY ELECTIONS FOR STATE  
LEGISLATURE, GOVERNOR, AND CABINET**

Allows all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation. All candidates for an office, including party nominated candidates, appear on the same primary ballot. Two highest vote getters advance to general election. If only two candidates qualify, no primary is held and winner is determined in general election. Candidate's party affiliation may appear on ballot as provided by law. Effective January 1, 2024.

Yes for Approval	372,393	votes
No for Rejection	233,543	votes



\*\*\* Official Results \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD  
ORANGE COUNTY**

**NO. 4  
CONSTITUTIONAL AMENDMENT  
ARTICLE XI, SECTIONS 5 AND 7  
VOTER APPROVAL OF CONSTITUTIONAL AMENDMENTS**

Requires all proposed amendments or revisions to the state constitution to be approved by the voters in two elections, instead of one, in order to take effect. The proposal applies the current thresholds for passage to each of the two elections.

Yes for Approval	287,055	votes
No for Rejection	313,389	votes

**NO. 5  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 4 AND ARTICLE XII  
LIMITATION ON HOMESTEAD ASSESSMENTS**

Proposing an amendment to the State Constitution, effective date January 1, 2021, to increase, from 2 years to 3 years, the period of time during which accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead.

Yes for Approval	393,135	votes
No for Rejection	151,458	votes

**NO. 6  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6 AND ARTICLE XII  
AD VALOREM TAX DISCOUNT FOR SPOUSES OF CERTAIN  
DECEASED VETERANS WHO HAD PERMANENT, COMBAT-  
RELATED DISABILITIES**

Provides that the homestead property tax discount for certain veterans with permanent combat-related disabilities carries over to such veteran's surviving spouse who holds legal or beneficial title to, and who permanently resides on, the homestead property, until he or she remarries or sells or otherwise disposes of the property. The discount may be transferred to a new homestead property of the surviving spouse under certain conditions. The amendment takes effect January 1, 2021.

Yes for Approval	538,265	votes
No for Rejection	65,499	votes

**COUNTY CHARTER AMENDMENTS QUESTION 1**

Yes for Approval	529,878	votes
No for Rejection	64,036	votes

**COUNTY CHARTER AMENDMENTS QUESTION 2**

Yes for Approval	503,801	votes
No for Rejection	79,024	votes

**COUNTY CHARTER AMENDMENTS QUESTION 3**

Yes for Approval	314,481	votes
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\*\*\* Official Results \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
ORANGE COUNTY

No for Rejection

245,621

votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

  
\_\_\_\_\_  
COUNTY JUDGE, CHAIR

  
\_\_\_\_\_  
COUNTY COMMISSIONER

  
\_\_\_\_\_  
SUPERVISOR OF ELECTIONS