




Alachua County Attorney's Office

Sylvia E. Torres, County Attorney

MEMORANDUM

TO: Chair Prizzia, and members of the Board of County Commissioners

FROM: Sylvia E. Torres, County Attorney 

DATE: December 15, 2022, April 30, 2024 (verified and updated)

Re: UPDATED: Methods for Amending the Alachua County Charter in 2024

At its December 6, 2022, special meeting, the Board directed me to prepare a memorandum outlining the methods for amending the Alachua County Home Rule Charter, with specific procedures and dates relevant to the November 2024 ballot process. This memorandum explains the three processes for amending the Charter, as outlined in the Charter, and relates those processes to the November 2024 election.¹

Section 4.2 of the Alachua County Charter, Attachment A, authorizes three methods for amending the Charter: 1) elector petition; 2) charter review commission; and 3) board of county commissioners. Each of these methods is explained below, with procedures and dates relevant to the November 2024 election. All three methods should be coordinated with the Alachua County Supervisor of Elections (herein, "Supervisor") to best understand her expectations regarding format and timing. This memorandum provides safe target dates for each step in the process taking into consideration scheduled Board meetings, advertising lead time and practical deadlines for the Supervisor's operation. This is also an area of law which changes almost every election cycle, so best advice: coordinate early and often with the Supervisor.

1) Petition, Section 4.2(A), Alachua County Charter.

One method to amend the County Charter, as anticipated by the Charter, is by petition of a set number of electors and an affirmative vote of the majority of the electorate voting in the general election. I have attached the information provided by the Supervisor to electors interested in amending the Charter through this process, Attachment B. Generally, the steps to amend the Charter through this method are:

1. The sponsor of the petition submits to the Supervisor the text of the proposed amendment and the signature form. The proposed amendment shall contain one subject only.
2. Prior to obtaining signatures, the sponsor obtains the Supervisor's approval of the signature form. As directed by the Charter, the Board has adopted an ordinance

¹ This memorandum does not include the special act method utilized in 2022 regarding single member districts, CS/HB 1493 (2022).

specifying the style and requirements of the signature form, which is now codified at Section 11.05, Alachua County Code, included in Attachment B.²

3. The petition drive may begin on the date that the Supervisor approves the signature form and may continue for 180 days.
4. The sponsor of the petition submits the signed and dated signature forms to the Supervisor for verification and pays relevant fees. A safe target date for submitting the signature forms for verification and payment of relevant fees is May 1, 2024.
5. The Supervisor has 45 days to verify the signatures on the signature forms.
6. To be successful, the unduplicated, verified signature forms must be equal in number to at least 10 percent of the number of electors qualified to vote in the County in the last preceding general election. If the petition drive does not meet this number of signatures by the end of the 180 days, the petition initiative is “null and void and none of the signatures may be carried over onto another identical or similar petition.”
7. If the Supervisor verifies signature forms, which equal at least 10 percent of the number of electors qualified to vote in the County in the last preceding general election, the Board of County Commissioners are required to adopt a resolution placing the proposed charter amendment (including a Spanish translated version) on the ballot of a general election occurring at least 90 days after verification of the requisite signatures by the Supervisor. Therefore, the last target meeting for the Board of County Commissioners to adopt the resolution is the first meeting in July (since there is not a second regular meeting in July).
8. If approved by the majority of electors voting on the charter amendment ballot question, the amendment becomes effective on the date specified in the amendment or on January 1 of the next year, if no date is specified in the amendment.

2) Charter review commission, Section 4.2(B), Alachua County Charter.

A second method for amending the County Charter, is through the Alachua County Charter Review Commission and an affirmative vote of the majority of the electorate voting in the general election. The Charter states that this commission was to meet for the first time in anticipation of the 1990 general election (no more than 18 months prior) and every ten years after that first commission. The Charter Review Commission convened in 2019, to place items on the 2020 general election ballot. It is permitted to meet again in 2029, to place items on the 2030 general election ballot. This is, therefore, not a method for amending the County Charter in 2024.

3) Board of county commissioners, Section 4.2(C), Alachua County Charter.

The third method to amend the County Charter, is through an ordinance adopted by a majority plus one (supermajority) of the Alachua County Board of County Commissioners and an affirmative vote of the majority of the electorate voting in the general election. The steps to amend the Charter through this method are:

1. The Board of County Commissioners adopts a Charter amendment ordinance with the ballot language and question at a properly advertised public hearing. This amendment

² Ord. No. 87-7, as amended by Ord. 2010-15.

must contain only one subject or matter. The target date for adoption of this amendment should be ~~the first regular meeting in July (since there is not a second regular meeting in July)~~ **June 11 (Supervisor of Elections notification of ordinance by June 15)**.

2. The County submits the ordinance to the Supervisor (including a Spanish translated version) for inclusion on the general election ballot by August 1, 2024.
3. The County gives notice of the referendum election at least 90 days prior to the general referendum election date.
4. If approved by the majority of electors voting on the charter amendment ballot question, the amendment becomes effective on the date specified in the amendment or on January 1 of the next year, if no date is specified in the amendment.

Should you have any questions, please contact me.

SET: CFH

Attachments

Cc: Michele Lieberman, County Manager
Kim Barton, Supervisor of Elections

Sec. 4.2. Home rule charter amendments.

(A) *Amendments proposed by petition.*

- (1) Amendments to the home rule charter may be proposed by petition signed by a number of electors equal to at least ten (10) percent of the number of electors qualified to vote in the county as a whole in the last preceding general election. Each such proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified.
- (2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after the date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon.
- (3) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

(B) *Amendments and revisions by charter review commission.*

- (1) A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of county commissioners at least twelve (12) months but not more than eighteen (18) months before the general election occurring in 1990 and at least twelve (12) months but not more than eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the state legislature or the board of county commissioners shall be a member of the charter review commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.
- (2) The charter review commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The charter review commission shall elect a chairman and vice chairman from among its membership. Further meetings of the commission shall be held upon the call of the chairman or a majority of the members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.
- (3) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The charter review commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable.

- (4) The charter review commission shall hold at least three (3) public hearings at intervals of not less than ten (10) days nor more than twenty (20) days on any proposed charter amendment or revision, and no charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the charter review commission.
 - (5) No later than ninety (90) days prior to the general election, the charter review commission shall deliver to the board of county commissioners the proposed amendments or revisions, if any, to the home rule charter, and the board of county commissioners shall by resolution place such amendments or revisions on the general election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.
 - (6) If it does not submit any proposed charter amendments or revisions to the board of county commissioners at least ninety (90) days prior to the general election, the charter review commission shall be automatically dissolved. Otherwise, the charter review commission shall be automatically dissolved on the date of such general election. Upon dissolution of the charter review commission, all property of the charter review commission shall thereupon become the property of the county.
- (C) *Amendments proposed by the board of county commissioners.*
- (1) Amendments to this home rule charter may be proposed by ordinance adopted by the board of county commissioners by an affirmative vote of a majority plus one (1) of the membership of the board of county commissioners. Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Alachua County voting in a referendum at the next general election. The board of county commissioners shall give public notice of such referendum election at least ninety (90) days prior to the general election referendum date.
 - (2) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.
- (D) *Home rule charter amendments affecting municipal power.* Effective January 1, 2011, an amendment adopted pursuant to this charter that limits a power of a municipality, which amendment is not otherwise subject to the dual referendum requirement pursuant to Article VIII, section 4, Florida Constitution, shall be effective within or in regard to a municipality, except that it shall not be effective within or in regard to a municipality where a majority of the electors voting in the referendum in that municipality do not approve the amendment. Provided however, such an amendment proposed pursuant to this charter may have county-wide effect, including those municipalities whose electors do not approve the amendment, when the amendment expressly declares that it be effective county-wide and the proposing charter review commission, board of county commissioners or citizen initiative petition sponsor has determined that the county-wide amendment fulfills an important county purpose. Provided further however, the limitation on county-wide effectiveness of a charter amendment shall not supersede an inconsistent special law approved by the electors or a general law authorizing the adoption of a charter amendment preempting a municipal power to the county.

(Res. No. 00-116, § 3, 12-12-00; Res. No. 2010-114, § 2(Exh. B), 11-23-10)

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Alachua County Charter Initiative Process

(Per Alachua County Charter and Ordinance)

Charter Amendments

Electors may initiate amendments by petition to the Alachua County Charter.

An amendment may embrace but one subject and matter directly connected therewith.

A Political Committee must form to collect the signatures.

Petitions Required: 10% of registered voters at the last General Election.

Only registered voters of Alachua County may sign petitions.

Steps:

- Form a Political Committee
- Submit text of proposed charter amendment and petition form to the Supervisor of Elections for approval of form.
- The style and requirements of such form shall be specified by ordinance.
- Upon approval of the petition form by the Supervisor, petitioners shall have 180 days to acquire the required petitions and file them with the Supervisor of Elections.
- The Supervisor shall have 45 days to verify the signatures and shall be paid \$.30 per petition. The Political Committee formed to support the petition efforts shall pay the fee.
- If the petition falls short of the number of names required, the petition shall be rendered null and void. No further signatures may be added to the petition and none of the signatures may be carried over onto another identical or similar petition.
- If the petition has the required number of signatures, the County Commission shall place the amendment on the ballot at the General Election occurring in excess of 90 days from the date the Supervisor certified that the petition was signed by the required number of electors.

ATTACHMENT B

Alachua County, Florida - Code of Ordinances

Sec. 11.05. - Form and procedure for proposed Charter amendments and initiative ordinances.

- (a) *Submission to supervisor of elections.* Any ordinance containing a proposed amendment to the Alachua County Home Rule Charter or proposed ordinance to be placed on the ballot by initiative shall be submitted to the supervisor of elections for approval as to format prior to the proposed amendment or ordinance being circulated for signatures. Such submission shall be in writing and shall include a copy or a facsimile of the form proposed to be circulated. The supervisor of elections shall review as to the sufficiency of the format only and render a decision. No review of the legal sufficiency of the text of the proposed Charter amendment or other ordinance is to be undertaken by the supervisor of elections.
- (b) *Petition format.*
- (1) A petition containing a proposed ordinance setting forth a Charter amendment or initiative ordinance shall be circulated for signatures only if the format of the petition is deemed sufficient by the supervisor of elections. To be sufficient, the petition form must be printed on separate cards or individual sheets of paper. The minimum size of such forms shall be three inches by five inches and the maximum size shall be 8½ inches by 11 inches. The petition form's size shall be computed by utilizing the outer boundary of the form. Additional material may be attached; however, when detached, the petition must be consistent with the dimensions provided for herein. Each form shall contain space for only one elector's signature. Forms providing for multiple signatures shall not be approved by the supervisor of elections.
 - (2) The petition form shall conspicuously contain the full text of the amendment or ordinance being proposed. Should the text be required to be printed on both sides of the form, it shall clearly indicate that the text is continued or begins on the other side.
 - (3) The petition form shall include adequate space for the signatory's name, birthdate, street address, city, date signed, and signature. The supervisor of elections shall not approve any petition that does not contain the signatory's name, birthdate, street address, city, date signed, and signature.
 - (4) The top of the petition form shall be clearly and conspicuously entitled "Charter Amendment Petition Form," or "Proposed Initiative Ordinance Petition Form," as the case may be. Additional materials supporting the proposed amendment or ordinance or providing a method by which the petition form may be returned by mail, may be printed on the form. The supervisor of elections shall not review the accuracy or content of such material but will review to determine that such information does not interfere with required material.
 - (5) Each form shall be deemed a political advertisement as defined by law and shall contain the identity of the payor. The circulators of an amendment or ordinance petition shall file with the supervisor of elections as a political committee pursuant to F.S. ch. 106.
 - (6) Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media, provided such forms are reproduced in the same format as approved by the supervisor of elections. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken-line border.
 - (7) Any change in a previously approved petition form, or additional types of petition forms, to be circulated by a previously approved circulator, shall be submitted to the supervisor of elections for approval in accordance with this section.
 - (8) The political committee formed by the circulators shall pay the supervisor of elections an amount calculated at the rate of \$0.30 for each signature checked, or the actual cost of checking such signature, whichever is less.

(Ord. No. 87-7, §§ 1, 2, 4-14-87; Ord. No. 2010-15, § 2, 7-13-10)

Charter reference— Home rule charter amendments, § 4.2.

Revised February 1, 2022