

PROPOSAL OF

 **JOSE LAW FIRM LLP**
ATTORNEYS & COUNSELORS AT LAW

FOR

**CHARTER REVIEW COMMISSION
LEGAL SERVICES**

TO THE

**2015-2016 PINELLAS COUNTY
CHARTER REVIEW COMMISSION**

Proposal Number: 145-0140-P (SS)

May 28, 2015

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TAB 1

INTRODUCTORY MATERIALS

SUBMIT TO: PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS 400 S. FT. HARRISON AVENUE ANNEX BUILDING – 6 TH FLOOR CLEARWATER, FL 33756	 <h1 style="text-align: center;">REQUEST FOR PROPOSAL</h1>
ISSUE DATE: May 5, 2015	PROPOSAL SUBMITTALS RECEIVED AFTER SUBMITTAL DATE & TIME WILL NOT BE CONSIDERED
TITLE: Charter Review Commission Legal Services	RFP NUMBER: 145-0140-P (SS)
SUBMITTAL DUE: May 28, 2015 @ 3:00 P.M. AND MAY NOT BE WITHDRAWN FOR 120 DAYS FROM DATE LISTED ABOVE.	PRE-PROPOSAL DATE & LOCATION: NOT APPLICABLE
DEADLINE FOR WRITTEN QUESTIONS: May 18, 2015 BY 3:00 P.M. SUBMIT QUESTIONS TO: SUE STEELE, CPPB AT ssteele@pinellascounty.org Phone: 727-464-4776 Fax: 727/464-3925	
<p style="text-align: center;"><u>THE MISSION OF PINELLAS COUNTY</u></p> Pinellas County Government is committed to progressive public policy, superior public service, courteous public contact, judicious exercise of authority and sound management of public resources to meet the needs and concerns of our citizens today and tomorrow.	 JOSEPH LAURO, CPPB/CPPB Director of Purchasing

PROPOSER MUST COMPLETE THE FOLLOWING

NO CHANGES REQUESTED BY A PROPOSER WILL BE CONSIDERED AFTER THE RFP OPENING DATE AS ADVERTISED. BY SIGNING THIS PROPOSAL FORM YOU ARE ATTESTING TO YOUR AWARENESS OF THIS POLICY AND ARE AGREEING TO ALL OTHER PROPOSAL TERMS AND CONDITIONS, INCLUDING ALL INSURANCE REQUIREMENTS.

PROPOSER (COMPANY NAME): Vose Law Firm, LLP D/B/A _____
MAILING ADDRESS: 324 W. Morse Blvd. CITY / STATE / ZIP Winter Park, FL 32789
COMPANY EMAIL ADDRESS: wvose@voselaw.com PHN: (407) 645-3735 FAX: (407) 628-5670
***REMIT TO NAME:** Vose Law Firm, LLP CONTACT NAME: Wade C. Vose
 (As Shown On Company Invoice) FEIN# 59-3724747

Proper Corporate Identity is needed when you submit your proposal, specifically how your firm is registered with the Florida Division of Corporations. Please visit www.sunbiz.org for this information.

PRINT NAME: Wade C. Vose
EMAIL ADDRESS: wvose@voselaw.com

I HEREBY AGREE TO ABIDE BY ALL TERMS AND CONDITIONS OF THIS RFP, INCLUDING ALL INSURANCE REQUIREMENTS & CERTIFY I AM AUTHORIZED TO SIGN THIS RFP FOR THE PROPOSER.

AUTHORIZED SIGNATURE: 
PRINT NAME/TITLE: Wade C. Vose, Managing Partner

THIS FORM MUST BE RETURNED WITH YOUR RESPONSE

TAB 2

QUALIFICATIONS AND EXPERIENCE



May 28, 2015

Pinellas County Charter Review Commission
c/o Purchasing Department
Board of County Commissioners
Annex Building - 6th Floor
400 South Fort Harrison Avenue
Clearwater, Florida 33756

Re: Proposal for Charter Review Commission Legal Services, 2016 Pinellas County Charter Review Commission - Proposal No. 145-0140-P (SS)

Dear Members of the Charter Review Commission:

It is with pleasure that the Vose Law Firm LLP makes this proposal to provide legal services to the 2016 Pinellas County Charter Review Commission. We hope that the information included in this proposal will give you insight into our firm's capabilities, but we would also appreciate the opportunity to discuss this proposal further with you, as well as discuss the firm's philosophy of local government representation with the members of the Commission.

As reflected in this proposal, the attorneys of our firm, Wade Vose, Becky Vose, Al Schwarz, Jeff Harvey, and Phil Kaprow have extensive local government experience, having held over thirty (30) local government legal positions, including holding the position of City Attorney for ten (10) different Florida cities, and having collective local government experience of over fifty (50) years.

Most relevant to this proposal, in 2011 and 2012, and again in 2015, Wade Vose and Vose Law Firm LLP were chosen to serve as General Counsel to both the 2012 and 2016 Orange County Charter Review Commissions. In those capacities, Mr. Vose represented the 2012 and 2016 CRC at all CRC meetings, hearings, and committee and subcommittee meetings, providing legal advice and guidance concerning the investigative inquiries of the CRC's various committees, and the constitutionality, legality, and implementation of various charter amendment proposals. Mr. Vose prepared the ballot title, ballot summary, and amended charter language for each of the 2012 CRC-initiated charter amendments, with a specific focus on both clarity of the ballot language for the voter, and strict compliance with the exacting standards of Section 101.161, Fla. Stat. and the extensive specialized case law governing the wording

of ballot referenda. Mr. Vose researched and reported upon various legal issues as applied to the particular focuses of the 2012 CRC's investigative inquiries, and kept the CRC abreast of recent case law developments relating to the powers of county charters. Mr. Vose was again chosen by the 2016 Orange County Charter Review Commission in a highly competitive bid process, based upon his successful representation of the 2012 Orange Charter Review Commission, and his extensive experience in local government law, particularly relating to charter counties.

Included with this proposal are various samples of Mr. Vose's work relating to representing county charter review commissions. For example, to provide legal protection for the 2012 Orange County CRC in light of Section 106.113, Fla. Stat. (restricting the use of government funds for political advertisements) for that CRC's longstanding practice of mailing voter education materials, Mr. Vose sought a formal opinion from the Florida Division of Elections authorizing the practice in light of a number of conflicting prior opinions from the Division. The formal opinion issued (DE 12-05), which agreed point for point with Mr. Vose's analysis as set forth in his request, formally authorized the practice, and has subsequently served as the seminal opinion setting forth how a local government may permissibly expend public funds relating to ballot referenda. (A copy of both Mr. Vose's request for opinion and DE 12-05 are attached as appendices.) Also included are two recent memoranda prepared by Mr. Vose for the 2016 Orange County CRC, addressing both the applicability of the single subject rule to county charter amendments, and a survey of county charter initiative petition provisions among Florida's 20 charter counties.

Wade Vose and the Vose Law Firm also have substantial additional experience relating to charter amendments, charter review processes, and ballot referenda. In 2013-2014, Mr. Vose served as counsel to the City of Bunnell Charter Review Committee, which was engaged in a comprehensive review of its city charter. Mr. Vose provided substantial legal and procedural guidance to that committee throughout its deliberations, resulting in Mr. Vose preparing the ballot titles, ballot summaries, and charter amendment language for seven (7) charter referendum questions placed on the municipal ballot. Further, in 2014, Mr. Vose also served as counsel and facilitator to the City of Deltona Charter Review Committee, which resulted in three (3) charter referendum questions prepared by Mr. Vose placed on the municipal ballot.

In addition to Mr. Vose's service as general counsel to both the 2012 and 2016 Orange County CRCs, and of further importance for this position, over the last 21 years, our firm has represented Orange County in numerous capacities, as well as two of its constitutional officers, the Orange County Sheriff, and the Orange County Property Appraiser. That representation has given the attorneys of our firm significant insight and understanding into the workings of charter counties, and the complex interplay among county departments, constitutional officers, municipalities, the Florida constitution, the county charter, and county and municipal ordinances.

From 1994 to present, our firm has represented various Orange County entities in numerous capacities including Special Counsel to Orange County as to §1983 Civil Rights Litigation, Special Counsel to Orange County as to Environmental Claims and Litigation, Special Litigation Counsel to Orange County Property Appraiser, Special Counsel to Orange County as to Code Enforcement Board Collections and Foreclosures, Special Counsel to the Orange County Sheriff's Office, and Counsel to the Orange County Fire and Life Safety Code Board of Adjustments and Appeals.

In addition, our attorneys have been City Attorney for ten (10) different Central Florida cities, including Edgewood, Winter Garden, Windermere, and Oakland in Orange County, Anna Maria, in Manatee County, Longwood in Seminole County, St. Cloud in Osceola County, Deltona in Volusia County, Eagle Lake in Polk County, and Bunnell in Flagler County. We also represented the Green Swamp Land Authority from its inception in 1994, until it was taken over by the state in 1999, and represented the North Lake County Hospital Board of Trustees for over ten (10) years.

The Vose Law Firm is currently the City Attorney for the City of Deltona (held by Becky Vose), City Attorney for the City of Bunnell (held by Wade Vose), City Attorney for the City of Anna Maria (held by Becky Vose), General Counsel to the 2016 Orange County Charter Review Commission (held by Wade Vose), attorney to the Orange County Code Enforcement Department, special counsel to the Town of Oakland for land use matters, special legal counsel to the Town of Indian River Shores (in Indian River County) to completely re-write that Town's Land Development Code, and attorney for the Orange County Fire and Life Safety Code Board of Adjustment and Appeals. None of those representations would create any possible conflict of interest with our representation of the Pinellas County Charter Review Commission.

If chosen to represent the Pinellas County Charter Review Commission, Wade Vose and Becky Vose would handle the legal work for the Commission, with Wade Vose serving in the primary role of managing the relationship with the Commission, attendance at all meetings, and performance of all general counsel duties. Becky Vose and Wade Vose are both members in good standing of the Florida Bar, and each has been continuously a member in good standing since each attorney's admission.

Our firm has a long and successful history of representing local governments that are located substantial distances from the firm's Winter Park office. Currently our firm represents the City of Deltona (50 minutes away), the City of Bunnell (1 hour 30 minutes away), and the City of Anna Maria (2 hours 15 minutes away) as those cities' City Attorney. The firm also is special counsel to the Town of Indian River Shores in a complete re-write of that coastal town's Land Development Code, even though that town is over two hours away from the firm's offices. The Vose Law Firm does not charge its local government clients for travel time or long distance calls, and we utilize the latest in commercially available technology to remain in constant contact and fully available to the local government entities we represent.

In fact, there are numerous advantages to a local government entity hiring a truly “out of town” law firm to be its legal counsel. The Vose Law Firm has never had a conflict of interest with Pinellas County or the Pinellas County Charter Review Commission. Our firm never has, and never will during the course of representation, represent any city, constitutional officer, or other local government entity in Pinellas County. The attorneys of our firm are essentially immune from pressure that might come to bear upon attorneys and firms with practices located closer to or in Pinellas County.

At the same time, through the extensive comparative analysis among county charters that is inherent in charter review commission representation, we have become familiar with the Pinellas County Charter and its history. In particular, we are highly familiar with the unique characteristics of Pinellas County’s so-called “limited home rule” charter, both as to the special act requirement relating to charter amendments concerning constitutional officers, and the “dual vote” requirement relating to countywide minimal policy standards. Rest assured that we will be well positioned to “hit the ground running” upon being retained as legal counsel to the Pinellas County Charter Review Commission.

In both 2009 and 2010, the Vose Law Firm was honored by being named “Reader’s Choice - Best Law Firm,” by the readers of the Orlando Business Journal. The Vose Law Firm is rated A-V by Martindale-Hubbell, which is the highest rating awarded by that legal directory, and the firm has been listed in Martindale-Hubbell’s Register of Pre-Eminent Lawyers. All attorneys in our firm are licensed by and in good standing with the Florida Bar.

Based on our extensive experience in the fields of local government and county law, we feel that we are extremely well qualified to fulfill the duties of legal counsel to the Pinellas County Charter Review Commission. Our firm would be honored to have the opportunity to supply legal services to the Pinellas County Charter Review Commission. We pride ourselves in providing high quality, prompt legal services in a professional manner for an affordable price.

Thank you for your review of our proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade C. Vose", with a stylized flourish at the end.

Wade C. Vose, Esq.

GRETCHEN R. H. ("BECKY") VOSE

Senior Partner and Founder, Vose Law Firm, LLP
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Winter Park, Florida 32789
Telephone: (407) 645-3735, ext 15
Cell: (407) 448-0111
Facsimile: (407) 628-5670
Email: bvose@voselaw.com



EDUCATION AND BAR DATA

Law Degree: J.D. with High Honors. 1973
University of Florida College of Law
Gainesville, Florida

Grade Average: 3.6 (four point system)
Number 1 in Class

Undergraduate Degree: B.A. in English with High Honors. 1970
Emory University, Atlanta, Georgia

Member/ Admitted: Florida Bar - Member in Good Standing since December 14,
1973 - Bar No. 169913
U.S. District Court, Middle District of Florida
U.S. Fifth Circuit Court of Appeals
U.S. Eleventh Circuit Court of Appeals
U.S. Court of Appeals for Federal Circuit
Orange County Bar Association

Rated: AV by Martindale-Hubbell (highest rating awarded)
Listed in Martindale-Hubbell Bar Register of Preeminent
Lawyers

BAR RELATED ACTIVITIES AND HONORS

City, County & Local Government Law Section of Florida Bar
Chairperson, Women in Law Committee, Orange County Bar Association
Fee Arbitration Committee, Orange County Bar Association
Central Florida Association of Women Lawyers
Member, Eminent Domain Committees, Florida Bar and American Bar
Volunteer Guardian Ad Litem Orange Co. Legal Aid Soc. - Cited for Exceptional Service
Volunteer to Homeless Advocacy Program of Orange County Bar - Cited for

Exceptional Service

LAW SCHOOL POSITIONS AND HONORS

Editorial Board, University of Florida Law Review
Order of the Coif
University of Florida Law School, Senior Class President
Law Center Scholarship
Chairperson of Council of Ten
Verdict staff
Judicial Intern
Foundation Press Award
Co-chairman from Florida Bar Law Student Division to Young Lawyers Section Bar
Review Study Course Committee

PUBLICATIONS

Politics Proof Estate Planning & Asset Protection (Book – Published Jan. 2009 by HamiltonBlaine) A guide to shielding your family, businesses, and assets from the legal and financial chaos brought on by 21st Century politics.

Environmental Survival Kit for Real Estate Professionals (Book and disk. Purchased in the 1990's by the Florida Board of Realtors to be used for continuing education purposes.)

PROFESSIONAL AND GOVERNMENTAL POSITIONS HELD

Assistant City Attorney, Orlando, Florida
Managing Partner/Chairperson, Real Estate Department, Shutts & Bowen Orlando office
Senior Partner, Vose Law Firm, LLP
City Attorney, Winter Garden
City Attorney, City of Edgewood
City Attorney, City of St. Cloud
City Attorney, City of Eagle Lake
City Attorney, City of Longwood
Town Attorney, Town of Windermere
Town Attorney, Town of Oakland
City Attorney, City of Deltona
City Attorney, City of Anna Maria
General Counsel for North Lake County Hospital Board of Trustees
Attorney for City of Orlando Code Enforcement Board
Special Counsel to City of Orlando as to Eminent Domain matters
Special Counsel to City of Ocoee
Special Counsel to City of Casselberry
Special Counsel to Orange County Sheriff's Office
City Prosecutor for City of Orlando

City Prosecutor for City of Edgewood
City Prosecutor for City of Winter Garden
Special Counsel to Orange County as to Code Enforcement Foreclosures
Special Counsel to Orange County as to Environmental Claims
Special Litigation Counsel to Orange County Property Appraiser
General Counsel for Green Swamp Land Authority
Counsel to Orange County Fire and Life Safety Code Board of Adjustments and Appeals
Special Counsel to Orange County as to §1983 Civil Rights Litigation
Eminent Domain Mediation Services for:
 Florida Department of Transportation
 Florida Turnpike Authority
 Seminole County
 Orange County
 Hillsborough County
 Lake County
 Polk County
Certified Circuit Court Mediator
Nominated for Appointment to Fifth District Court of Appeal

BIOGRAPHICAL SKETCH GRETCHEN R. H. ("BECKY") VOSE

Ms. Vose graduated first in her law school class at the University of Florida College of Law, in 1973. While a law student, she was Senior Class President, Chairperson of the Council of Ten, on the editorial board of the University of Florida Law Review, recipient for three years of a Law Center Scholarship, recipient of the Foundation Press Award, member of the Verdict (law school newspaper) staff, Judicial Intern, and Co-Chairman from the Florida Bar Law Student Division to Young Lawyers Section Bar Review Study Course Committee. Upon graduation, Ms. Vose was tapped for membership in Order of the Coif.

In 1973, Ms. Vose was admitted to the Florida Bar and began her legal career as an Assistant City Attorney for Orlando. Thereafter she formed the law firm that is the predecessor to the Vose Law Firm. In 1981, Ms. Vose was recruited by Shutts & Bowen to open a branch office in Orlando. Ms. Vose opened the office and served as its first managing partner and partner in charge of the Real Estate Department. While at Shutts & Bowen, Ms. Vose was honored by being nominated by the Judicial Nominating Commission for a seat on the Fifth District Court of Appeal. After 10 years of partnership in Shutts & Bowen, Ms. Vose withdrew from that firm and moved her law practice to Winter Park.

Over the years, Ms. Vose represented numerous large corporate entities, such as Walgreens, BellSouth Telecommunications, Regions Bank, and M&I Bank, innumerable smaller and regional corporations, individuals, and governmental agencies. Ms. Vose has held the positions of City Attorney for the cities of Winter Garden, Edgewood, Longwood, Windermere, Oakland, Eagle Lake, St. Cloud, and Deltona, and has also done major work for Orange County government as to matters ranging from complex environmental litigation and the defense of §1983 Civil Rights claims. She also represented the Orange County Property Appraiser (OCPA) in a multi-year complex intellectual property lawsuit about the software utilized by the Property Appraiser's office.

Ms. Vose has taught at numerous continuing legal education seminars and presentations to other attorneys relating to a variety of business and legal topics. In addition, Ms. Vose has regularly presented seminars and instructional sessions for employees and officials of both private and governmental clients.

Both Ms. Vose and the Vose Law Firm are rated A-V, which is the highest rating given by Martindale-Hubbell. Ms. Vose and the Vose Law Firm have also been listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers. The Vose Law Firm was honored by being named "Reader's Choice - Best Law Firm, 2009" and "Reader's Choice - Best Law Firm, 2010", by the readers of the Orlando Business Journal.

WADE CHRISTOPHER VOSE

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Facsimile: (407) 628-5670
Email: wvose@voselaw.com



EDUCATION AND BAR DATA

Legal	University of Florida College of Law Gainesville, FL J.D. with Honors, May 2003 Book Awards: Environmental Law Intellectual Property Law Family Law Recipient of the Levin College of Law Leonard Scholarship
Undergraduate	University of Florida Gainesville, FL B.A. in Political Science, with Honors, May 2000 National Merit Scholar / Florida Academic Scholar Omicron Delta Kappa Leadership Honorary
Preparatory	Bishop Moore Catholic High School Orlando, FL Graduated with Highest Honors, May 1996 Student Body President Valedictorian
Member/Admitted	Florida Bar - Admitted and a Member in Good Standing - Bar No. 685021 U.S. District Court, Middle District of Florida U.S. District Court, Northern District of Florida Orange County Bar Association Member, City, County, and Local Government Law Section - Florida Bar

PROFESSIONAL EXPERIENCE

Vose Law Firm LLP (Winter Park, FL)

Partner - As partner in an AV-rated law firm focusing in local government representation, real estate and development law, and complex business litigation, responsible for every segment of the representation and litigation process, including representation of government boards, client counseling, evaluation of claims and defenses, development of litigation strategies, preparation of pleadings, discovery, motions, and memoranda, and argument before trial and appellate courts. January 2004 to present.

City of Bunnell, Florida (Bunnell, FL)

City Attorney - As City Attorney to this Flagler County city that serves as county seat and is the second largest city geographically in Florida (after Jacksonville), responsible for providing legal advice to City Commission and other City boards at public meetings as needed, advising all city departments including planning, finance, police, grants, and public works, drafting city ordinances and resolutions, handling real estate transactions, and conducting litigation on behalf of the City. October, 2013 to present.

2016 Orange County Charter Review Commission (Orlando, FL)

General Counsel - As General Counsel to the commission empowered by the Orange County Charter to conduct a comprehensive study of all phases of county government and place proposed charter amendments on the ballot for voter approval, responsible for advising the 2016 Orange County Charter Review Commission ("CRC") as to all legal matters, including legality and constitutionality of CRC actions and proposed charter amendments, representation of CRC at public meetings, preparation of charter amendment and ballot language, and preparation of CRC final report. March 2015 to present.

City of Deltona, Florida (Deltona, FL)

Chief Assistant City Attorney - Vose Law Firm and its Founding Partner, Becky Vose, serve as City Attorney to the City of Deltona, an 85,000 resident community in Volusia County. As Assistant City Attorney, responsible for providing legal advice to City Commission and other City boards at public meetings, as necessary, drafting of city ordinances and ordinance amendments, and litigation on behalf of the City. June 2011 to present.

City of Anna Maria, Florida (Anna Maria, FL)

Chief Assistant City Attorney - Vose Law Firm, Becky Vose, and Wade Vose jointly serve as City Attorney to the City of Anna Maria, an idyllic coastal city on Anna Maria Island in the Gulf of Mexico. Responsible for providing legal advice to City Commission and other City boards at public meetings as needed, advising all city departments, drafting city ordinances and resolutions, and conducting litigation on behalf of the City. March 2015 to present.

2012 Orange County Charter Review Commission (Orlando, FL)

General Counsel - As General Counsel to the commission empowered by the Orange County Charter to conduct a comprehensive study of all phases of county government and place proposed charter amendments on the ballot for voter approval, responsible for advising the 2012 Orange County Charter Review Commission ("CRC") as to all legal matters, including legality and constitutionality of CRC actions and proposed charter amendments, representation of CRC at public meetings, preparation of charter amendment and ballot language, and preparation of CRC final report. August 2011 to November 2012.

Eighth Judicial Circuit State Attorney's Office (Gainesville, FL)

Certified Legal Intern - Responsible for prosecution of criminal cases as the sole Certified Legal Intern in the Bradford County, Florida office of the Eighth Circuit State Attorney's Office. January 2003 to May 2003.

Ninth Judicial Circuit of Florida (Orlando, FL)

Judicial Law Clerk - Clerked for Circuit Judge Walter Komanski. Responsible for conducting legal research, drafting legal memoranda, final judgments and other judicial orders, and assisting the judge throughout a variety of trials and hearings. May 2001 to August 2001.

PROFESSIONAL ACTIVITIES, AWARDS, AND COMMUNITY INVOLVEMENT

Orange County Government

Authority Member - Orange County Industrial Development Authority (November 2014 to Present) - Serve as one of five governing members of an industrial development authority responsible for issuing industrial development revenue bonds for the purpose of financing the costs of industrial or manufacturing plants, research and development parks, agricultural processing or storage facilities, warehousing or distribution facilities, headquarters facilities, tourism facilities, educational facilities, commercial projects in enterprise zones, and health care facilities.

Chairman - Neighborhood Grants Advisory Board (Chairman - Oct. 2008 to Oct. 2009, Vice Chairman - Oct. 2007 to Oct. 2008, Member - Aug. 2006 to May 2011) - Responsible for approving criteria for neighborhood grant programs, overseeing the application review process, approval of recommended grant recipients, hearing appeals from grant applications, and monitoring progress of grant recipients.

Board Member - Orange Blossom Trail Development Board (August 2007 to Oct. 2010) - Responsible for promoting the economic, social, and aesthetic revitalization of the south Orange Blossom Trail area.

City of Maitland

Alternate Member - Board of Zoning Adjustment (November 2014 to Present) - Responsible for reviewing requests for variances from the regulations of each City of Maitland zoning district as they relate to area, size of structures, yards and open spaces, heights, etc., with the only appeal of their rulings to the Orange County Circuit Court.

Orlando Business Journal

Forty Under 40, Class of 2009 - Recipient of the Orlando Business Journal's prestigious Forty Under 40 Award, spotlighting forty of the Central Florida region's top young business and civic leaders who demonstrate consistent, outstanding professional achievement and a commitment to community service.

"Reader's Choice - Best Law Firm, 2009 & 2010" - Voted by the readers of the Orlando Business Journal.

The Federalist Society - Orlando Lawyer Division

Vice President (2003 to 2008) - The Federalist Society is an organization of 25,000 lawyers, law students, and scholars dedicated to the purpose of sponsoring fair, serious, and open debate about the proper role of the courts, the rule of law, and the need to enhance individual freedom.

Winter Park Chamber of Commerce

Member, Government Affairs Committee - Member of the Winter Park Chamber committee responsible for advocacy on behalf of the Winter Park business community at the local and state level and educating Chamber membership about current affairs effecting the Winter Park business community.

BusinessForce - Orlando Regional Chamber of Commerce

Alumnus, Class 1 - Central Florida Political Leadership Institute - Member of the exclusive 25-person inaugural class of BusinessForce's Political Leadership Institute, a program designed to identify and equip Central Florida's next generation of elected leaders before they formally choose to run for a specific public office.

Rotary Club of Winter Park

Member of Board of Directors (July 2011 to present)

Leadership Winter Park

Class Member, Class 20 (September 2009 to August 2010)

Leadership Orlando

Alumnus, Class 72 (March 2007 to October 2007)

Leadership Apopka

Alumnus, Class 1 (January 2008 to November 2008)

Orlando Margarita Society (Charity)

Member of Board of Directors (May 2005 to March 2012) - Participate in the planning and execution of the Orlando Margarita Society's annual invitation-only black-tie charitable gala, the Margarita Ball, held every November for the benefit of underprivileged children.

Orange County Bar Association

Committee Member - Young Lawyers Oath of Admissions Committee (June 2004 to September 2005)

Member - Young Lawyers Section (October 2003 to present)

Tiger Bay Club of Central Florida

Member (January 2005 to present)

Apopka Area Chamber of Commerce

Businessman of the Year 2008-2009

Chairman - Apopka Area Political Alliance (Apopka Chamber PAC) (August 2008 to February 2012)

Chairman - Issues & Government Affairs Committee (August 2007 to August 2009)

Member of Board of Directors (June 2007 to February 2012)

University of Florida College of Law

President - Law College Council (August 2002 to April 2003)

Executive-at-Large - Law College Council (August 2000 to April 2002)

University of Florida College of Liberal Arts and Sciences

President - College of Liberal Arts and Sciences Student Council (April 1999 to April 2000)

Vice President - College of Liberal Arts and Sciences Student Council (April 1998 to April 1999)

PUBLICATIONS

Politics Proof Estate Planning & Asset Protection (Book - Published Jan. 2009 by HamiltonBlaine) A guide to shielding your family, businesses, and assets from the legal and financial chaos brought on by 21st Century politics.

PHILIP S. KAPROW

OFFICE

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Facsimile: (407) 628-5670
Email: pskaprow@voselaw.com



EDUCATION AND BAR DATA

Legal **Thomas Jefferson School of Law**
San Diego, CA
J.D. with Honors, December 1999

Author Trimming a Bonsai With A Chainsaw: The Improper Use of Unconscionability in *Stirlen v. Supercuts, Inc.*, 21 T.Jeff.L.Rev. 127 (1999).

Undergraduate **University of South Florida**
Tampa, FL
B.A. in Religious Studies, Minor Political Science
University Honors Program
Student Government Senate
Director of Operations, Campus Activities Board

Member/Admitted California Bar - Admitted and a Member in Good Standing since June 1, 2000
Florida Bar - Admitted and a Member in Good Standing since October 11, 2000.
U.S. District Court, Middle District of Florida
U.S. Eleventh Circuit Court of Appeals
Real Property Section Member, Florida Bar
Florida Land Title Association
Republican National Lawyers Association
Old Republic National Title Insurance-Agent
Florida Real Estate Agent License

Rating AV® Preeminent Peer Review Rating by Martindale Hubbell

PROFESSIONAL EXPERIENCE

Vose Law Firm LLP (Winter Park, FL)

Partner - Continuing practice largely devoted to transactional and litigation aspects of Real Estate, Banking, Title Insurance Claims and Defense, and Corporate and Business Law, with the addition of Election Law and Local Government representation provided to clients of the firm. I serve as the primary attorney for real estate, loan transactions, and title policy issuance and claims conducted by the firm. April 2011 to present.

Law Office of Philip S. Kaprow, P.A., Winter Springs, Florida

Owner - Commenced as small practice for clients remaining during tenure as in house counsel. Owned and operated Investment Title Services, an affiliated business of the firm to provide real estate closing and title insurance services underwritten exclusively through Old Republic National Title. Representative clients include WorldHotels, United Legacy Bank, First National Bank of Central Florida, and Tusawilla Country Club, in addition to numerous small business owners in the area. During this tenure, I additionally served as the Chair for the Florida Bar Grievance Committee 9-C for which I was awarded a Meritorious Service Award by The Florida Bar. During this period, the firm name was associated for a portion of the time with Kaprow & Stratton, PL. June 2005-March 2011.

TriTrust Partners, LLC, Orlando, Florida

V.P./Assoc. General Counsel - Manage all corporate governance, transactions, and windups of companies acquired by TriTrust Partners, LLC. TriTrust purchased many of the smaller entities from Mirabilis Ventures, Inc. which did not meet its portfolio. Although an entirely unrelated entity, this position was an extension of the work performed for Mirabilis Ventures, Inc. During this time, Presidency at both Lake Suites Hotel, Inc. and Investment Title Services, Inc. continued. Additional projects include oversight of restaurants, accounting firms, and a 204 unit condo-hotel construction project near Sea World in Orlando. January 2007-March 2007.

Mirabilis Ventures, Inc., Orlando, Florida

Interim General Counsel, July 2005-September 2005

Associate General Counsel, September 2005-December 2006

Manage corporate governance for Mirabilis Ventures, Inc. and over 200 subsidiary entities affiliated with Mirabilis Ventures, Inc. Additionally supervise corporate transactions including stock purchases, asset purchases, lending, and real estate acquisitions and leases. Other job functions included serving as President for Lake Suites Hotel, Inc., a subsidiary distressed hotel property in Kissimmee, Florida, and Investment Title Services, Inc., a subsidiary title company. July 2005-December 2006.

Killgore, Pearlman, Stamp, Ornstein & Squires, P.A., Orlando, Florida

Associate Attorney - Practiced primarily as transactional attorney of a local community commercial bank (conducting 2-3 secured loan transactions a week, including documentation and title insurance issuance). I served the remainder of clients in areas of corporate and business creation and transactions (both asset and stock acquisitions), residential purchase negotiations, and franchisee representation. Additionally assisted the Estate Planning attorney on an as needed basis, and represented a homeowner's association as general counsel. February 2003-July 2005.

Law Offices of Mel Pearlman, P.A., Fern Park, Florida

Associate Attorney - Engaged in all aspects of the legal practice, from client networking to handling complex litigation matters. First chair for two bench trials, as well as many major hearings, and extensive pre-trial work including several successful mediations. Transactional work experience includes real estate closings, contract negotiations, and estate planning. Focus areas of the practice include Corporate/Business Organizations, Real Estate, Estate Planning and Administration, and litigation in those areas. April 2000-February 2003.

Mayfield & Associates, Solana Beach, CA

Law Clerk - Researched issues of law, drafted discovery documents, and assisted in case management for small business, real estate, and civil litigation firm. May 1999-August 1999.

Hon. Jeffrey T. Miller, U.S. District Court, Southern District of California

Judicial Extern - reviewed various motions before the Court, and drafted opinions and orders of the Court for review, approval, and adoption by Judge Miller. Spring 1999.

Hon. Robert J. Timlin, U.S. District Court, Central District of California

Judicial Extern - reviewed various motions before the Court, and drafted opinions and orders of the Court for review, approval, and adoption by Judge Timlin. Summer 1998.

Joint Legal Assistance Office, MCB Camp Pendleton

Summer Intern - Assisted five attorneys at the busiest Joint Legal Assistance Office in the Department of Defense to provide a variety of free legal services to military personnel and their family members. Summer 1997.

PROFESSIONAL DESIGNATIONS AND ACTIVITIES

Florida Civil Law Notary - This designation is held by less than 150 attorneys in the state. It is a lifetime appointment by the Secretary of State, authorizing the issuance of authentic acts. Unlike a Notary Public, the Civil Law Notary attests to the accuracy of the information within the document being authenticated, in addition to

acknowledging the signatory. Documents presented under the seal of a Civil Law Notary are “presumed correct” by courts of law and international authorities. Awarded 2007.

Grievance Committee 9-C, The Florida Bar – Served a three year term as a member of the grievance committee, a group of lawyers and non-lawyers appointed to review ethical violations reported to The Florida Bar, and make recommendations as to probable cause of violations. Served as chairman of the committee from 2009-2010. 2007-2010.

Seminole County Republican Executive Committee - Legal Chair Served as Legal Chair for the Seminole County Republican Executive Committee, supporting the chairman as needed in all general organizational and election law related issues, including poll watching training and Election Day Operations for Seminole County, Florida. Additionally, supervised and served in connection with an election recount in November 2012.

Seminole County Teen Court - Volunteer Judge Provide pro bono services as a volunteer judge in Teen Court, a program associated with the Prosecution Alternatives for Youth program in Seminole County, where minors are redirected for nonviolent misdemeanor offenses to be “tried and sanctioned” by a jury of their peers. Mandatory sanctions include service as jury members for other defendants referred to the program.

AV® Preeminent Peer Review Rating by Martindale Hubbell; 2012.

Meritorious Public Service Award – The Florida Bar; 2010.

AL H. SCHWARZ

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EDUCATION AND BAR DATA

Legal	University of Illinois College of Law, Champaign, IL J.D. cum laude, May 1999 <ul style="list-style-type: none">- Research Assistant to Professor Saikrishna Prakash, Former Clerk to Supreme Court Justice Clarence Thomas and Federalism Professor at the University of Virginia Law School- Clerk and Underwriter Editor, Attorney's Title Guaranty Fund, Champaign, Illinois- Appellate Defender Clinic and Civil Trial Advocacy Clinic- Frederick Green Moot Court Competition Finalist- Intern, Legislative Process Clinic - Illinois Minority House Counsel
Undergraduate	Pepperdine University, Malibu, CA B.S. in Business Administration, May 1996 <ul style="list-style-type: none">- President, Sigma Psi Fraternity- Dean's List
Member/Admitted	Illinois Bar - Admitted November 4, 1999 Florida Bar - Admitted April 15, 2000 California Bar - Admitted April 13, 2002 Tax Section Member, California and Florida

PROFESSIONAL EXPERIENCE

Vose Law Firm LLP (Winter Park, FL)

Partner - As Partner, I work on areas consisting of local government law, eminent domain law, real property law, federal and state/local tax law, real and personal property tax law and appeals, and contracts. My practice is concerned with representing clients in real estate transactions and tax appeals involving multi-state real

and personal property portfolios of various property types. I also analyze real and personal property assessments, draft and review complex lease documents, and assist in various aspects of the firm's litigation and local government practice. November, 2013 - current.

Hillsborough County Value Adjustment Board (Tampa, FL)

Special Magistrate - As Special Magistrate to the Hillsborough County Value Adjustment Board ("VAB"), I conducted hearings, took testimony, and rendered opinions regarding ad valorem tax disputes, specifically relating to matters impacting ad valorem tax exemptions and other legal issues. January, 2014 - current.

True Partners Consulting, LLC (Tampa, FL)

Director - As Director, I focused on state and local tax representation with a concentration on real and personal property tax appeals, property valuation and lease analysis, asset management, audit defense, return compliance, and complete outsource engagements for clients, including Fortune 500 companies, with various property types and portfolios. As part of my representation, I negotiated tax reductions as well as credits and incentives with local government in Florida as well as throughout the United States and Canada. My clients included electric utilities, airlines, transportation companies, data centers, multi-state retailers and telecommunications companies, in addition to numerous industrial, commercial, residential and special use properties. March, 2008 - October, 2013.

Office of the Seminole County Attorney (Sanford, FL)

Assistant County Attorney - As Assistant County Attorney, I concentrated on local government law which included the review and preparation of contracts and inter-local agreements, as well as representing the county in eminent domain and property valuation litigation matters, consisting of order of taking hearings, jury trials, and mediations. As part of my role as a litigation attorney, I was involved in real property acquisition and title review, construction and engineering issue resolution, real and personal property appraisal review, development review, and business valuation report analysis. I also represented the County Attorney in public meetings and hearings. August, 2004 - March, 2008.

Deloitte & Touche LLP (formerly Andersen LLP), (Chicago, IL)

Manager - As Manager, I oversaw a state and local tax practice involving client representation in income tax, real and personal property tax, sales and use tax, and credits and incentives, by working on clients' multi-state portfolios consisting of large manufacturers, retail companies and complex properties including airlines, telecommunications, public utilities, mining, and gaming operations. I was integrally involved in federal and state and local tax strategic reviews as a result of entity restructuring and reorganization. Over the course of this representation, I was successful in securing one of the first property tax rebate economic incentive agreements with a municipality ever granted to a corporation in State of California

under CA Rev and Tax Code §5108. I also obtained one of the original personal property tax obsolescence valuation claims granted to the airline industry as a result of the 9-11 attacks as seen in *American Eagle Airlines, Inc. v. Pleasant Township Assessor*, Petition No.: 02-059-02-1-7-00032, Indiana State Tax Board, April 6, 2004. August, 1999 - August, 2004.

Attorney's Title Guaranty Fund (Champaign, IL)

Law Clerk and Underwriter Editor - As a Law Clerk and Underwriter Editor, I assisted in compiling a manual for underwriters providing instruction on how to deal with customers on various aspects of the Indiana Code and Federal Law including the Bankruptcy Code, and its impact on title insurance. I also edited an underwriter's contribution to the IICLE Manual on title insurance and wrote legal memoranda regarding real estate, land use and zoning, agency, environmental, and contract law. October, 1998 - August, 1999.

PROFESSIONAL ACTIVITIES AND COMMUNITY INVOLVEMENT

- **Recipient, Friends of Realtors Political Action Committee Ruby Award, 2013**
- **Chairman, Seminole County Republican Party (2010 to present)**
- **Chairman, Congressional District 7 Caucus, Republican Party of Florida Board (2013 to present)**
- **Republican Party of Florida, Rules Committee (2013 to present)**
- **Republican Party of Florida, Audit Committee (2013 to present)**
- **Co-Chairman, Seminole County, Romney Primary and General Election Campaign, 2012**
- **Selected Alternate Delegate to the Republican National Conventions by the RPOF Congressional District 7 Caucus in 2008 (Minneapolis) and 2012 (Tampa)**
- **Hosted Governor Brian Sandoval (R-NV) as an invited speaker at Seminole County Republican Party's Reagan Lincoln Dinner**
- **Hosted Gov. Romney's last Presidential campaign rally in Florida prior to Election Day in Seminole County**

- **Campaign Team Leader, George W. Bush Presidential Campaign, DuPage County, Illinois, 2004**
- **4th Degree Member, Knights of Columbus, Altamonte Springs, Florida, 2006 to present**
- **President, Council 210, PNA, Orlando, Florida, 2013**
- **Host Committee Member and Volunteer for Numerous Federal, State, and Local Campaigns as well as Community, Church and Fraternal Organizations**

JEFFREY D. HARVEY

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EDUCATION

Legal

Stetson University College of Law
Gulfport, FL
J.D., December 2012

Honors: Dean's Award; Bankruptcy Seminar Book Award;
Federal Circuit Bar Association Leadership Award

Activities: Founder and President, Student Veteran's
Organization; Chairman, Student Leadership Development
Committee; Founder, Justice Fred B. Karl Scholarship
Endowment

Seminar Paper: Analyzing the Defense of Setoff in Bankruptcy
Adversary Proceedings for Violations of the FCCPA

Non-Legal

Murray State University
Murray, KY
M.S., Human Development and Leadership, May 2009

Boston College
Chestnut Hill, MA
B.A., Double Major in Political Science and Theology, Minor in
Conflict Resolution, May 2001

Honors: St. Ignatius Award for commitment to service and
values

Senior Thesis: Applying the Principles of Conflict Resolution
to Resolve Racism and Other Social Problems

PROFESSIONAL EXPERIENCE

Vose Law Firm LLP, Winter Park, FL

Attorney - Continuing practice mainly devoted to litigation of issues in the areas of local government law, commercial law, probate, and creditor/debtor law. October 2013 to Present.

Veteran Small Business Attorney, P.A., Winter Park, FL

Attorney / Owner - Started my own firm to continue practice part-time while on temporary active duty orders in Tampa, FL; focused on representation and advocacy of Veteran Small Owned Businesses. July 2013-October 2013.

Brownstone, P.A., Winter Park, Florida

Appellate Attorney - Primarily Responsible for a caseload of no less than 20 active appeals at one time, from initial client meeting through decision on appeal, from various areas of the law. As the firm's primary mediator, successfully resolved three cases that have been at issue for over 10 years. March 2013-July 2013.

Office of City Attorney, St. Petersburg, Florida

Supreme Court Certified Legal Intern - School sponsored internship that developed into a paid position. Under student practice rules, prosecuted multiple city ordinance violations and small claims matters; responsible for drafting resolutions for city counsel, various litigation motions and pleadings, and position papers recommending revisions to city HR rules and policies. Specific focus on areas of Sunshine Law and Land Use Law; additionally, advised the city on legal issues and security matters in connection with the hosting of a National Special Security Event (2012 RNC). May 2012-December 2012.

Leavengood, Nash, Dauval & Boyle, P.A., Gulfport, Florida

Law Clerk - Responsible for client interviews and drafting of litigation documents for creditor/debtor disputes. August 2011-May 2012.

Hon. David A. Demers, Sixth Judicial Circuit, St. Petersburg, Florida

Judicial Intern - Primarily responsible for assisting a three-judge panel resolve direct appeals from County Court by preparation of appellate brief and case summaries and drafting opinions and orders for review by the panel. By creating a system for case management, I was able to reduce the caseload backlog by almost 90%. At the conclusion of the internship, I assisted with the research and update of "Florida DUI Handbook," 2011-2012 ed. (Vol.11, Florida Practice Series). May 2011- July 2011.

MILITARY EXPERIENCE

Florida Army National Guard, 53rd Infantry Brigade

Major, Brigade Fire Support Coordinator, December 2010-Present

- Specially selected for temporary duty as a training planner for an external evaluation that will certify over 25 company sized elements and provide training for almost 3500 personnel (August 2013-September 2013)
- Served as Executive Officer and second-in-command of a 400 person Battalion with units spread throughout Central Florida
- Chief of staff for a state mission to support local law enforcement during the 2012 Republican National Convention

United States Army, 101st Airborne Division (Air Assault), Fort Campbell, KY

Major, May 2001-December 2010

- Led over 900 combat missions over four tours to Iraq and Afghanistan
- Top Platoon Officer Graduate, U.S. Army Ranger School
- Planned, coordinated and synchronized close air support for the invasion of Iraq as well as Afghanistan during Operation Mountain Lion, resulting in the destruction of an Al-Qaeda training complex with zero incidents of collateral damage
- Managed government equipment in excess of \$24 million and a budget in excess of \$39 million
- Collaborated with the Vanderbilt School of Business to stimulate small business growth in Iraq and managed over 100 Iraqi reconstruction projects valued at over \$18 million
- Military Awards include Bronze Star Medal, Meritorious Service Medal, as well as unit awards for valor and merit

BAR ADMISSIONS / CERTIFICATIONS/ COMMUNITY INVOLVEMENT

- Member, Florida Bar, April 2013
- Admission, Federal District Court for the Middle District of Florida
- Publisher, *Python Tales*, by Justice Fred B. Karl; leveraged book to raise support for Justice Fred B. Karl Veterans Scholarship Endowment
- Veterans Pro Bono Committee Member, Orange County Bar Association
- President, Central Florida War Veterans Association
- Partner, UCF Incubation Program and UCF Veterans Pre-Incubation Program

- Academy Nomination Board, Office of United States Senator Marco Rubio
- Notary Public, State of Florida
- Secret Security Clearance, U.S. Government
- Memberships include: Orange County Bar Association; Federal Circuit Bar Association; National Guard Officers Association; 101st Airborne Association, Lifetime Member; 187th Infantry Regiment Association, Lifetime Member

Specific Municipal and other Local Government Experience by Topic

The following is a summary of specific qualifications of the Vose Law Firm in local government representation:

A) *Successful handling of City Attorney and other local government attorney matters.*

The Vose Law Firm and its attorneys have successfully handled all aspects of City Attorney and local government attorney work for the last 41 years, including the following positions:

- 1) Assistant City Attorney, Orlando, Florida
- 2) City Attorney, Deltona, Florida
- 3) City Attorney, Edgewood, Florida
- 4) City Attorney, St. Cloud, Florida
- 5) City Attorney, Eagle Lake, Florida
- 6) City Attorney, Longwood, Florida
- 7) Town Attorney, Windermere, Florida
- 8) Town Attorney, Oakland, Florida
- 9) City Attorney, Winter Garden, Florida
- 10) City Attorney, Bunnell, Florida
- 11) City Attorney, Anna Maria, Florida
- 12) Assistant County Attorney, Seminole County
- 13) General Counsel to 2012 Orange County Charter Review Commission
- 14) General Counsel to 2016 Orange County Charter Review Commission
- 15) General Counsel for Green Swamp Land Authority
- 16) Special Counsel to Orange County as to Environmental Claims
- 17) Special Litigation Counsel to Orange County Property Appraiser
- 18) Attorney for Orange County Fire and Life Safety Code Board of Adjustments and Appeals
- 19) Special Counsel to Orange County as to §1983 Civil Rights Litigation
- 20) Attorney to the Orange County Code Enforcement Department
- 21) Special counsel to the Orange County Sheriff's Office
- 22) Special counsel to the Town of Oakland as to land development and litigation matters
- 23) Attorney for North Lake County Hospital Board of Trustees
- 24) Attorney for City of Orlando Code Enforcement Board
- 25) Special Counsel to City of Orlando as to Eminent Domain matters
- 26) Special Counsel to Orange County as to Code Enforcement Foreclosures
- 27) Eminent Domain Mediation Services for Florida Turnpike Authority and FDOT
- 28) Eminent Domain Mediation Services for Seminole County
- 29) Eminent Domain Mediation Services for Orange County

- 30) Eminent Domain Mediation Services for Hillsborough County
- 31) Eminent Domain Mediation Services for Lake County
- 32) Eminent Domain Mediation Services for Polk County
- 33) Counsel to the City of Bunnell Charter Review Committee
- 34) Counsel to the City of Deltona Charter Review Committee
- 35) Special Magistrate - Hillsborough County Value Adjustment Board

B) Land use law including, but not limited to, Florida's Comprehensive Growth Management Act, zoning, redevelopment districts, code enforcement, development agreements, development orders, developments of regional impact, the Bert J. Harris, Jr., Private Property Rights Protection Act, and enterprise zones

The Vose Law Firm and its attorneys have practiced in the field of land use law as part of their representation of Orlando, Longwood, St. Cloud, Deltona, Edgewood, Bunnell, Anna Maria, Eagle Lake, Windermere, and Oakland, and have represented numerous private clients before various local governmental agencies. They have extensive experience writing and interpreting zoning and land use ordinances and dealing with Florida's Comprehensive Growth Management Act, zoning, redevelopment districts, code enforcement, development agreements, development orders, developments of regional impact, and enterprise zones. They have been involved in significant land use litigation on behalf of public clients as well as private clients. The reported case of *City of Orlando vs. The School Board of Orange County* was handled by Ms. Vose and helped establish the appellate law in Florida relating to the effect of municipal zoning on other public uses.

C) General legal counsel to local officials including such duties as advice, opinions and direction on matters including, but not limited to:

1. *Attendance and legal representation at City Council and various board meetings*
2. *The "Sunshine Law" and "Public Records Law"*
3. *The ethical standards of elected officials*
4. *Home Rule*
5. *Exercise of police power*
6. *Practices and procedures of local governments*
7. *Legislative vs. Quasi-judicial matters*
8. *Voting conflicts*
9. *Full and public disclosure of financial interest*
10. *Other matters relating to public service as an elected official*
11. *All other areas of municipal law*

The Vose Law Firm and its attorneys have provided such counsel to all the local governmental agencies represented by them including: the cities of Orlando, Longwood, St. Cloud, Edgewood, Winter Garden, Deltona, Bunnell, Anna Maria, Eagle Lake, Windermere, and Oakland and the non-elected boards represented including the

Green Swamp Land Authority, and the North Lake County Hospital Board of Trustees, and the Orange County Charter Review Commission.

D) The drafting of and revisions to ordinances, resolutions, contracts, inter-local agreements, franchise agreements, settlement agreements, development agreements, litigation pleadings, legal opinions and real estate documents of all types.

The attorneys of Vose Law Firm have extensive experience drafting a plethora of legal documents (routine and specialized) on virtually all subjects dealt with by local government agencies.

E) Representation of cities and towns in a variety of ways to protect their essential character and to prevent outside forces from making changes that could fundamentally damage a municipality.

The Vose Law Firm and its attorneys have been called upon numerous times by its clients to make changes in its ordinances and regulations and handle litigation that is intended to stem the tide of possible development or occurrences that threaten their fundamental character.

The Vose Law Firm has successfully assisted the Town of Oakland in major revisions to its land development code to preserve that town's historic and charming character, which is being threatened by commercial development along SR 50, which runs through the town. The firm also successfully defended the Town of Oakland in major litigation by RaceTrac, which sued for direct access to SR 50, even though RaceTrac already had received FDOT permission for the direct access.

Indian River Shores, a wealthy coastal town, hired the Vose Law Firm to completely re-write its land development code. That town has serious concerns over vacation rentals and commercial development that threatens their high-end residential character. Our firm is assisting that Town with changes to their Land Development Code to prevent changes that the Town believes threaten their unique and charming coastal town.

F) Representation of local governments in diverse litigation in state, federal and appellate courts, and Alternative Dispute Resolution experience.

The Vose Law Firm has handled litigation for all local governments represented by the firm. The firm currently is handling certain civil litigation for Orange County, land use litigation for the Town of Oakland, and several pending cases for Deltona. Becky Vose, within the last year, won a hotly contested inverse condemnation case which had been pending for seven years. Prior attorneys for that city had repeatedly delayed the trial of that case. When Ms. Vose was appointed City Attorney, she fast-tracked the case, and went to trial. The judgment in the case was completely in favor of the City of Deltona, and eliminated a possible liability of the City of approximately \$1 Million. The Vose

Law Firm was successful in recovering \$100,000 for the reimbursement to the City of Deltona of costs, expert witness fees, and attorney's fees against the losing parties in that suit.

All of the attorneys of the Vose Law Firm have significant experience with alternative dispute resolution techniques. Becky Vose became certified as a certified circuit court mediator in the 1990s and has mediated hundreds of cases, most of which involved at least one governmental agency.

G) Condemnation (Eminent Domain) under Florida law

The Vose Law Firm's eminent domain experience includes the full range of eminent domain practice including initial pre-litigation advice and drafting of resolutions, preparation of all pleadings, numerous contested as well as uncontested Order of Taking hearings, settlement negotiations and drafting of settlement documents, mediations, jury trials and appeals. In addition, they have extensive experience dealing with issues of public use, incidental private use, necessity, inverse condemnation, business damages, severance damages, damages to non-profit entities, historically significant properties, cost to cure, consolidation of parcels and down-zoning issues. The firm has recently successfully completed eminent domain proceedings for the City of Deltona.

As both an Assistant City Attorney for Orlando and as Special Counsel to the City of Orlando, Ms. Vose represented the City of Orlando for over 15 years in eminent domain litigation. During that time, she represented the City as to numerous acquisitions including rights-of-way, pedestrian walkways, park lands, land for parking areas, easements for sewage transmission lines, sites for public utility facilities, as well as many other public use projects. As Special Counsel to the City, she handled on a contract basis the acquisition of the property for the Gertrude Walk pedestrian walkway through downtown Orlando as well as the City of Orlando Arena property, (Phases II and III). Ms. Vose also has extensive experience as counsel to property owners of condemned land, and has acted as a certified circuit court mediator in over 100 eminent domain mediations.

H) Utility taxes and utility franchise agreements as they relate to Florida municipalities

The Vose Law Firm has extensive experience rendering legal advice and drafting documents relating to utility taxes and utility franchise agreements. The representation of the cities of Deltona, St. Cloud, Longwood, Winter Garden, Eagle Lake, and Edgewood included the drafting and reviewing of numerous franchise agreements with various utility companies. The representation of the City of St. Cloud included handling the complex transaction between the Orlando Utilities Commission and St. Cloud as to the "take over" of the St. Cloud electrical system by the OUC.

I) All aspects of construction law and public works issues

The attorneys of the Vose Law Firm have extensive experience representing both public and private clients as to virtually all aspects of construction law including bid solicitations, bid protests, construction contracts, construction litigation, warranty issues, delay damages, etc. The firm has provided legal services as to Public Works issues for each city represented by the firm.

J) Code enforcement liens and special assessment collection and liens

The Vose Law Firm provided general legal services in the areas of special assessments and special assessment collection and liens for each of the cities represented by the firm. In addition, the firm did extensive work for the City of Longwood in reviewing and collecting long over-due special assessments, and the firm has represented Orange County as to CEB lien foreclosures and settlements for the last 20 years.

K) The creation and administration of Tax Increment Financing Districts

The Vose Law Firm provided legal services to the Cities of Winter Garden, Longwood, Edgewood, Deltona, Bunnell, and St. Cloud relating Tax Increment Financing Districts. In addition, as general counsel for the North Lake County Hospital Board of Trustees, the firm had significant experience challenging the authority of municipal tax increment financing districts from imposing charges on the special taxing district.

L) The creation and administration of Impact Fee Ordinances and collection of said fees

The Vose Law Firm represented the cities of Orlando, Winter Garden, St. Cloud, Edgewood and Longwood relating to the creation, amendment and administration of impact fee ordinances concerning transportation, public safety, recreation and open space, and drainage.

M) Environmental law including representation before and negotiations with, various State and Federal regulatory agencies

The attorneys of Vose Law Firm have represented public and private clients with regard to environmental matters in conjunction with governmental representation and private real estate practice. As counsel to the Green Swamp Land Authority, such representation included extensive dealings with the Florida Department of Environmental Protection, the Department of Community Affairs, and two water management districts. While an Assistant City Attorney for Orlando, Ms. Vose worked on the permitting for the Iron Bridge Road Sewage Treatment Plant and for various drainage and other public works projects. As the City Attorney for Longwood, the firm represented the City in matters relating to a RCRA site on City property and was responsible for negotiations with the Florida Department of Environmental Regulation, [now the Florida Department of Environmental Protection (DEP)], and for matters relating to negotiations with the

environmental company hired to evaluate the clean up of the property.

In private practice, the attorneys of Vose Law Firm have been extensively involved in the permitting of various environmental features to private developments and have also represented numerous property owners in negotiations with the FDEP and in litigation over environmental contamination issues. Ms. Vose co-authored the book, *Environmental Survival Kit for Realty Professionals*, a book designed to protect realty professionals from losses due to environmental problems. The Florida Board of Realtors purchased the rights to such publication for purposes of including the publication among its educational materials.

N) *Counsel and legal services to local government pension boards, and work with employee pension plans including Florida Statutes, Chapter 175 and Chapter 185 Special Risk Plans*

The attorneys of the Vose Law Firm have provided legal services to the Cities of Winter Garden, Longwood, Deltona, Edgewood, Eagle Lake and St. Cloud relating to employee pension plans including Florida Statutes, Chapter 175 and Chapter 185 Special Risk Plans.

O) *Other specific local government experience not listed above*

The Vose Law Firm has also represented cities relating to the following matters:

- i) Civil rights defense – USCA, Title VII litigation
- ii) Litigation relating to qualifications for election
- iii) Redistricting to comply with Federal Court Orders
- iv) Disputes between governmental entities relating to zoning and land use
- v) Intergovernmental agreements
- vi) Litigation relating to “short term rentals” of residentially zoned property
- vii) Labor law, employee disputes, and employee discharge hearings
- viii) Historic Preservation
- ix) Construction Industry Board of Appeals – establishment and representation
- x) Public Employee Relations Commission hearings and appeals
- xi) Adult entertainment and bookstore ordinances
- xii) Bingo regulation
- xiii) Plasmapheresis facility regulation
- xiv) Arbor ordinances and regulation
- xv) Sexual harassment litigation
- xvi) Age discrimination litigation
- xvii) Police legal advisor issues
- xviii) Alarm ordinance regulation
- xix) Cable TV regulation
- xx) Cell phone tower regulations

- xxi) Leasing of public property for private use
- xxii) Local counsel for bond issues
- xxiii) Land banking for future public use
- xxiv) Federal grant applications and administration
- xxv) Defense of inverse condemnation claims due to restrictive zoning
- xxvi) Marina leases
- xxvii) Sale/lease back agreements for city
- xxviii) Code Enforcement foreclosures
- xxix) Annexation disputes
- xxx) Noise ordinances
- xxxi) Inverse condemnation actions relating to environmental damages
- xxxii) Residential Prison Diversion Programs
- xxxiii) Mortgage Foreclosure Registration
- xxxiv) Rental Regulatory Ordinances
- xxxv) HUD Uniform Relocation Act requirements
- xxxvi) RESPA compliance
- xxxvii) Trap, Neuter, Release feral cat control
- xxxviii) Remedies to prevent zombie houses
- xxxix) Charter amendments, charter review processes, and preparation of ballot titles and summaries
- xl) Vacation Rental Regulation

HISTORY OF VOSE LAW FIRM

Ms. Vose began her legal career in 1973 as an Assistant City Attorney for Orlando, after having graduated number one in her class from the University of Florida, College of Law. Thereafter, the firm founded by Ms. Vose has held over 30 different legal positions for local governmental entities in Florida.

The Vose Law Firm has held the positions of City Attorney for the cities of Winter Garden, Edgewood, Longwood, Windermere, Oakland, Eagle Lake, St. Cloud, Deltona and Bunnell. In addition, the firm was the first attorney for the City of Orlando Code Enforcement Board, and did extensive contract eminent domain work for the City of Orlando.

The Vose Law Firm also has done extensive work for the Orange County government as to matters ranging from code enforcement lien foreclosures, to complex environmental litigation and representation. The firm also represented the Orange County Property Appraiser in a multi-year complex intellectual property lawsuit about the software utilized by the Property Appraiser's office. The firm was the first attorney for, and was instrumental in setting up, two different special districts - the Green Swamp Land Authority and the North Lake County Hospital Board of Trustees.

In 1981, Ms. Vose was requested by Shutts & Bowen, (the oldest law firm in Miami, and a firm that then had over 100 lawyers), to open a branch office in Orlando. Ms. Vose opened the office and served as its managing partner and partner in charge of the Real Estate Department, and continued her local government practice for various governmental entities. While at Shutts & Bowen, Ms. Vose was honored by being nominated by the Judicial Nominating Commission for a seat on the Fifth District Court of Appeal. After 10 years of partnership in Shutts & Bowen, Ms. Vose withdrew from that firm and opened a predecessor firm to the Vose Law Firm.

In 2003, Ms. Vose's son, Wade C. Vose graduated with honors from the College of Law at the University of Florida, and shortly thereafter joined the Vose Law Firm. Mr. Vose has handled of myriad of governmental legal work, including the rendering of legal advice, attendance at meetings, litigation before trial courts and U.S. Bankruptcy Court, and appellate representation before the 5th DCA. Mr. Vose is currently the City Attorney for the City of Bunnell, Chief Assistant City Attorney for Deltona, special counsel for the Town of Oakland, and recently completed serving as General Counsel to the 2012 Orange County Charter Review Commission.

As attorney for various local government agencies, the attorneys of the Vose Law Firm have provided day-to-day legal advice to government officials, handled land use issues for the agencies the firm represented, handled all procurement and bidding issues, handled proceedings under the Florida Administrative Procedures Act, and

rendered opinions concerning the Public Records Law, Sunshine Law, Financial Disclosure Law, and Ethics Laws. In addition, the attorneys of the firm represented their local government clients in state court, federal court, bankruptcy court, and various appellate courts. The attorneys of the firm also represented clients in meetings, administrative hearings and in contract negotiations, and the attorneys of the firm have substantial expertise in the drafting of complex agreements which are in full compliance with Florida and Federal law as applicable to private as well as government agencies and officials.

**STATEMENT OF WORK AND
APPROACH / METHODS AND
MANNER OF SUPPLYING
LEGAL SERVICES**

STATEMENT OF WORK & APPROACH/ NO EXCEPTIONS TO RFP

If chosen to provide legal services to the Pinellas County Charter Review Commission, the attorneys of the Vose Law Firm, with Wade Vose acting as lead attorney, and Becky Vose providing back-up support, would provide exemplary legal services and advice to the CRC on all issues relating to the 2015-2016 Charter Review process. Our firm would work with the CRC facilitator and staff, as well as legislators, County staff, municipal staff, citizens, and other interested persons on issues and matters before the CRC. Mr. Vose would attend meetings of the CRC, and would perform research and prepare legal memoranda, resolutions, ballot provisions and other appropriate legal documents, and provide any other legal services related to the duties and responsibilities of the CRC.

The Vose Law Firm is particularly adept at providing such services because in 2011 and 2012, and again in 2015, Wade Vose and Vose Law Firm LLP were chosen to serve as General Counsel to the 2012 and 2016 Orange County Charter Review Commissions. In those capacities, Mr. Vose represented the 2012 and 2016 CRC at all CRC meetings, hearings, and committee and subcommittee meetings, providing legal advice and guidance concerning the investigative inquiries of the CRC's various committees, and the constitutionality, legality, and implementation of various charter amendment proposals.

Mr. Vose prepared the ballot title, ballot summary, and amended charter language for each of the 2012 CRC-initiated charter amendments, with a specific focus on both clarity of the ballot language for the voter, and strict compliance with the exacting standards of Section 101.161, Fla. Stat. and the extensive specialized case law governing the wording of ballot referenda.

Mr. Vose researched and reported upon various legal issues as applied to the particular focuses of the 2012 CRC's investigative inquiries, and kept the CRC abreast of recent case law developments relating to the powers of county charters.

Mr. Vose was again chosen by the 2016 Orange County Charter Review Commission in a highly competitive bid process, based upon his successful representation of the 2012 Orange Charter Review Commission, and his extensive experience in local government law, particularly relating to charter counties.

Included with this proposal are various samples of Mr. Vose's work relating to representing county charter review commissions. For example, to provide legal protection for the 2012 Orange County CRC in light of Section 106.113, Fla. Stat. (restricting the use of government funds for political advertisements) for that CRC's

longstanding practice of mailing voter education materials, Mr. Vose sought a formal opinion from the Florida Division of Elections authorizing the practice in light of a number of conflicting prior opinions from the Division. The formal opinion issued (DE 12-05), which agreed point for point with Mr. Vose's analysis as set forth in his request, formally authorized the practice, and has subsequently served as the seminal opinion setting forth how a local government may permissibly expend public funds relating to ballot referenda. (A copy of both Mr. Vose's request for opinion and DE 12-05 are attached as appendices.) Also included are two recent memoranda prepared by Mr. Vose for the 2016 Orange County CRC, addressing both the applicability of the single subject rule to county charter amendments, and a survey of county charter initiative petition provisions among Florida's 20 charter counties.

Wade Vose and the Vose Law Firm also have substantial additional experience relating to charter amendments, charter review processes, and ballot referenda. In 2013-2014, Mr. Vose served as counsel to the City of Bunnell Charter Review Committee, which was engaged in a comprehensive review of its city charter. Mr. Vose provided substantial legal and procedural guidance to that committee throughout its deliberations, resulting in Mr. Vose preparing the ballot titles, ballot summaries, and charter amendment language for seven (7) charter referendum questions placed on the municipal ballot. Further, in 2014, Mr. Vose also served as counsel and facilitator to the City of Deltona Charter Review Committee, which resulted in three (3) charter referendum questions prepared by Mr. Vose placed on the municipal ballot.

Our firm has a long and successful history of representing local governments that are located substantial distances from the firm's Winter Park office. Currently our firm represents the City of Deltona (50 minutes away), the City of Bunnell (1 hour 30 minutes away), and the City of Anna Maria (2 hours 15 minutes away) as those cities' City Attorney. The firm also is special counsel to the Town of Indian River Shores in a complete re-write of that coastal town's Land Development Code, even though that town is over two hours away from the firm's offices. The Vose Law Firm does not charge its local government clients for travel time or long distance calls, and we utilize the latest in commercially available technology to remain in constant contact and fully available to the local government entities we represent.

In fact, there are numerous advantages to a local government entity hiring a truly "out of town" law firm to be its legal counsel. The Vose Law Firm has never had a conflict of interest with Pinellas County or the Pinellas County Charter Review Commission. Our firm never has, and never will during the course of representation, represent any city, constitutional officer, or other local government entity in Pinellas County. The attorneys of our firm are essentially immune from pressure that might come to bear upon attorneys and firms with practices located closer to or in Pinellas County.

At the same time, through the extensive comparative analysis among county

charters that is inherent in charter review commission representation, we have become highly familiar with the Pinellas County Charter and its history. In particular, we are highly familiar with the unique characteristics of Pinellas County's so-called "limited home rule" charter, both as to the special act requirement relating to charter amendments concerning constitutional officers, and the "dual vote" requirement relating to countywide minimal policy standards. Rest assured that we will be well positioned to "hit the ground running" upon being retained as legal counsel to the Pinellas County Charter Review Commission.

The Vose Law Firm acknowledges that it shall be prohibited from representing other clients whose interests are adverse to that of Pinellas County or the CRC, or whose case(s) requires filing any form of litigation against Pinellas County or the CRC.

The Vose Law Firm makes no exceptions to the RFP.

METHODS AND MANNER OF SUPPLYING LEGAL SERVICES

As a boutique local government law firm, over the decades the Vose Law Firm has learned to leverage its resources to best serve the demanding needs of its local government clients. One of our highest priorities is ensuring that our local government clients are provided with prompt and superior legal services, regardless of the absence or incapacity of an individual attorney. Vose Law Firm ensures this continuity through a team approach practiced successfully for years by the firm's two lead partners, Becky Vose and Wade Vose.

Becky Vose has attended hundreds, if not thousands, of governmental meetings and workshops, for the various cities and other public entities she has represented over the last 42 years. Over the past 12 years, Wade Vose has represented and provided legal advice to numerous local governmental entities at various governmental meetings and workshops.

Each attorney keeps the other fully apprised of all developments concerning a local government entity's representation, and work together collaboratively to provide the best possible representation to our local government clients. In the recent practice of this successful team approach, Wade Vose has served as lead attorney for local government interactions, while Becky Vose has served as a vast resource to be utilized when her decades of experience would be appropriately brought to bear.

The firm also has two additional local government attorneys available on staff at a moment's notice - Partner Al Schwarz, former Seminole County assistant county attorney and presently Special Magistrate for the Hillsborough County Value Adjustment Board, and Associate Jeff Harvey, with experience from the St. Petersburg City Attorney's Office. If chosen as General Counsel, the Vose Law Firm and its lead partners intend to utilize this time-tested and successful team approach to provide a seamless continuity of representation to the Pinellas County Charter Review Commission.

Our firm has a long and successful history of representing local governments that are located substantial distances from the firm's Winter Park office. Currently our firm represents the City of Deltona (50 minutes away), the City of Bunnell (1 hour 30 minutes away), and the City of Anna Maria (2 hours 15 minutes away) as those cities' City Attorney. The firm also is special counsel to the Town of Indian River Shores in a complete re-write of that coastal town's Land Development Code, even though that town is over two hours away from the firm's offices. The Vose Law Firm does not charge its local government clients for travel time or long distance calls, and we utilize the latest in commercially available technology to remain in constant contact and fully

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REFERENCES

References

General Counsel to 2012 Orange County Charter Review Commission

References: Carol Foglesong
Staff Advisor to Orange County Charter Review Commission
Assistant Comptroller, Orange County Comptroller's Office
109 E. Church St.
Orlando, FL 32801
407-836-5982

Matt Klein, Orange County Charter Review Commission Member
Office: 407-246-8436, Cell: 561-213-4448

City Attorney - City of Bunnell

City of Bunnell
201 W. Moody Blvd.
Bunnell, FL 32110

Reference: Larry Williams, City Manager
863-512-5243

Catherine Robinson, Mayor
386-503-8837

Elbert Tucker, Commissioner
386-437-4086

City Attorney - City of Deltona

City of Deltona
2345 Providence Blvd.
Deltona, FL 32725

References: Dave Denny, Former City Manager
386-804-3135 (Note: A new City Manager will begin work in June 2015)

Chris Bowley, Director of Planning & Development Services
386-878-8602

Robert "Bob" Clinger, Director of Finance
386-878-8552

Attorneys to Orange County Code Enforcement Department

Reference: Robert Spivey, Manager, Orange County Code Enforcement
2450 W. 33rd Street, 2nd Floor
Orlando, FL 32839
(P) 407-836-4221
(F) 407-836-4233

Special Counsel for Town of Oakland for Land Use

Town of Oakland
220 N. Tubb Street
Oakland, FL 34760

References: Dennis Foltz, Town Manager, Town of Oakland
407-656-1117

Ed Mills, Town Attorney, Town of Oakland
321-287-3033

Max Spann, Planner, Town of Oakland
407-656-1117

Kimberly Gay, Town Clerk
407-656-1117 ext. 2104

Special Counsel to Town of Indian River Shores for Rewrite of Land Development Code

Town of Indian River Shores
6001 Highway A-1-A
Indian River Shores, FL 32963

References: Robert Stave, Town Manager
772-231-1771

Laura Aldrich
772-231-1771

City Attorney for the City of Anna Maria

Anna Maria
10005 Gulf Drive

Post Office Box 779
Anna Maria, FL 34216-0779

Reference: Chuck Webb, Chairman of City Commission
941-778-7054

SECTION D - VENDOR REFERENCES

Proposal Title: Charter Review Commission Legal Services

Proposal Number: 145-0140-P (SS)

THE FOLLOWING INFORMATION IS REQUIRED IN ORDER THAT YOUR PROPOSAL MAY BE REVIEWED AND PROPERLY EVALUATED.

COMPANY NAME: Vose Law Firm, LLP

LENGTH OF TIME COMPANY HAS BEEN IN BUSINESS:

BUSINESS ADDRESS: 324 W. Morse Blvd., Winter Park, FL 32789

HOW LONG IN PRESENT LOCATION: 6 years

TELEPHONE NUMBER: 407-645-3735

FAX NUMBER: 407-628-5670

TOTAL NUMBER OF CURRENT EMPLOYEES: 8 FULL TIME 0 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: up to 8 based on client need.

All references will be contacted by a County Designee via email, fax, mail or phone call to obtain answers to questions, as applicable before an evaluation decision is made.

Proposers must have experience in work of the same or similar nature, and must provide references that will satisfy the County. Proposer must furnish a reference list of at least four (4) customers for whom they have performed similar services.

LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR:

- 1. COMPANY: Orange Cty. Charter Rev. Comm. ADDRESS: 109 E. Church St., Orlando, FL 32801... 2. COMPANY: City of Deltona ADDRESS: 2345 Providence Blvd., Deltona, FL 32725... 3. COMPANY: City of Bunnell ADDRESS: 201 W. Moody Blvd., Bunnell, FL 32110... 4. COMPANY: Orange County, Florida ADDRESS: 2450 W. 33rd St., Orlando, FL 32839...

TAB 5

FEE PROPOSAL

SECTION E – SCOPE OF WORK

FEEES AND EXPENSES

DESCRIPTION	HOURLY RATE
ALL BILLING - ATTORNEYS	\$ 150. ⁰⁰ <u> </u>
TRAVEL LUMP SUM NOT TO EXCEED:	\$ 0
TOTAL:	\$ 150. ⁰⁰ <u> </u>

TAB 6

OTHER REQUIRED INFORMATION & FORMS

SECTION F ELECTRONIC PAYMENT

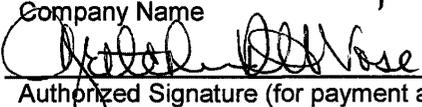
Electronic Payment (ePayables)

The Pinellas County Board of County Commissioners (County) offers a credit card payment process (ePayables) through Bank of America. Pinellas County does not charge vendors to participate in the program; however, there may be a charge by the company that processes your credit card transactions. For more information please visit Pinellas County purchasing website at www.pinellascounty.org/purchase.

Would your company accept to participate in the ePayables credit card program?

Yes No

Vose Law Firm, LLP
 Company Name


 Authorized Signature (for payment acceptance)

Gretchen R. H. Vose Partner
 Printed Signature/Title/Department

407-645-3735
 Phone Number

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) Vose Law Firm, LLP	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.) 324 W. Morse Blvd.	Requester's name and address (optional)
	City, state, and ZIP code Winter Park, FL 32789	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
or
Employer identification number
59 : 3724747

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶ <i>Barbara A. Swins</i>	Date ▶ <i>5/26/15</i>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

SECTION G – ADDENDA ACKNOWLEDGMENT FORM

Proposal Title: Charter Review Commission Legal Services

Proposal No: 145-0140-P (SS)

PLEASE ACKNOWLEDGE RECEIPT OF ADDENDA FOR THIS RFP BY SIGNING AND DATING BELOW:

ADDENDA NO.

SIGNATURE/PRINTED NAME

DATE RECEIVED

<i>none</i>		<i>N/A</i>

Note: Prior to submitting the response to this solicitation, it is the responsibility of the firm submitting a response to confirm if any addenda have been issued. If such document(s) has been issued, acknowledge receipt by signature and date in section above and return Addenda Acknowledgement Form with RFP. Failure to do so may result in being considered non-responsive.

Information regarding Addenda issued is available on the Purchasing Department section of the County’s website at, www.pinellascounty.org/purchase/Current_Bids1.htm , listed under category ‘Current Bids’.



**LAWYERS PROFESSIONAL LIABILITY POLICY
DECLARATIONS**

Agency:
700324

Branch:
912

Policy Number:
169671583

Insurance is provided by Continental Casualty Company,
333 S. Wabash Ave. Chicago IL 60604
A Stock Insurance Company.

1. NAMED INSURED AND ADDRESS:
Vose Law Firm, LLP
324 West Morse Boulevard
Winter Park, FL 32789

NOTICE TO POLICYHOLDERS:
This is a Claims Made and Reported policy. It applies only to those claims that are both first made against the insured and reported in writing to the Company during the policy period. Please review the policy carefully and discuss this coverage with your insurance agent or broker.

2. POLICY PERIOD:
Inception: 01/01/2015
at 12:01 A.M. Standard Time at the address shown above

Expiration: 01/01/2016

3. LIMITS OF LIABILITY:
Inclusive of Claims Expenses

Each Claim: \$2,000,000
Aggregate: \$2,000,000

Death or Disability and Non-Practicing
Extended Reporting Period Limit of Liability:

Each Claim: \$1,000,000
Aggregate: \$2,000,000

4. DEDUCTIBLES:
Inclusive of Claims Expenses

Aggregate: \$10,000

5. POLICY PREMIUM:

Annual Premium: \$21,686.00

Total Amount: \$21,686.00

Includes CNA Risk Control Credit of \$ 0.00

Includes Net Protect Premium, see coverage endorsement if applicable

6. FORMS AND ENDORSEMENTS ATTACHED AT INCEPTION:
G-118011-A (Ed. 12/2011), G-118012-A (Ed. 03/1999), G-118016-A (Ed. 12/2011), G-118024-A (Ed. 04/2008), G-118039-A09 (Ed. 09/2012), G-118065-A09 (Ed. 11/2011), G-145184-A (Ed. 06/2003)

7. WHO TO CONTACT:

To report a claim:
CNA – Claims Reporting
P.O. Box 8317
Chicago, IL 60680-8317
Fax: 866-773-7504 / Online: www.cna.com/claims
Email: SpecialtyProNewLoss@cna.com
Lawyers Claim Reporting Questions: 800-540-0762

Authorized Representative

01/02/2015

Date



ONE TOWER SQUARE
HARTFORD, CT 06183

**WORKERS COMPENSATION
AND
EMPLOYERS LIABILITY POLICY**

TYPE V INFORMATION PAGE WC 00 00 01 (A)

POLICY NUMBER: (WAUB-243H462-2-14)

RENEWAL OF (WAUB-243H462-2-13)

INSURER: TRAVELERS CASUALTY AND SURETY COMPANY

NCCI CO CODE: 11223

1.

INSURED:

VOSE LAW FIRM, LLP
324 W. MORSE BLVD
WINTER PARK FL 32789

PRODUCER:

LYKES INSURANCE INC
PO BOX 2879
TAMPA FL 33601

Insured is A LIMITED LIABILITY COMPANY

Other work places and identification numbers are shown in the schedule(s) attached.

2. The policy period is from 06-16-14 to 06-16-15 12:01 A.M. at the insured's mailing address.

3. A. WORKERS COMPENSATION INSURANCE: Part One of the policy applies to the Workers Compensation Law of the state(s) listed here:

FL

B. EMPLOYERS LIABILITY INSURANCE: Part Two of the policy applies to work in each state listed in item 3.A. The limits of our liability under Part Two are:

Bodily Injury by Accident:	\$	1 00000	Each Accident
Bodily Injury by Disease:	\$	500000	Policy Limit
Bodily Injury by Disease:	\$	1 00000	Each Employee

C. OTHER STATES INSURANCE: Part Three of the policy applies to the states, if any, listed here:

AL AR AZ CA CO CT DC DE GA HI IA ID IL IN KS KY LA MA MD ME MI MN
MO MS MT NC NE NH NJ NM NV NY OK OR PA RI SC SD TN TX UT VA VT WI
WV

D. This policy includes these endorsements and schedules:

SEE LISTING OF ENDORSEMENTS - EXTENSION OF INFO PAGE

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All required information is subject to verification and change by audit to be made ANNUALLY.



DATE OF ISSUE: 04-22-14 MS

OFFICE: TAMPA FL 247

PRODUCER: LYKES INSURANCE INC

DIRECT BILL

84145

PREMIER BUSINESSOWNERS POLICY

PREMIER OFFICE PROPERTY DECLARATIONS

Policy Number: **ACP BPOD5944966379**

Policy Period:
From **06-19-15** To **06-19-16**

Description of Premises Number: **001** Building Number: **001** Construction: **MASONRY NON-COMBUST**
 Premises Address **324 W MORSE BLVD** **WINTER PARK** **FL** **32789-4294**
 Occupancy **OL** Classification: **ATTORNEYS**

Described as: **ATTORNEYS - OFFICE-NO PL UNITS 324-326**

WE PROVIDE INSURANCE ONLY FOR THOSE COVERAGES INDICATED BY A LIMIT OR BY "INCLUDED".

The Property Coverage provided at this premises is subject to a **\$ 1,000** Deductible, unless otherwise stated.

COVERAGES	LIMITS OF INSURANCE
Building -	NOT PROVIDED
Business Personal Property - Replacement cost	\$84,300
ADDITIONAL COVERAGES - the Coverage Form Includes other Additional Coverages not shown.	
Business Income - ALS - 12 Months - 72 Hour Waiting Period - 60 Day Ordinary Payroll Limit	INCLUDED
Extra Expense - Actual Loss Sustained (ALS) - 12 Months - 72 Hour Waiting Period	INCLUDED
Equipment Breakdown	INCLUDED
Automatic Increase in Insurance - Building	NOT PROVIDED
Automatic Increase in Insurance - Business Personal Property	2.9%
Back Up of Sewer and Drain Water (limit shown per Building, subject to \$25,000 policy aggregate)	\$5,000

OPTIONAL INCREASED LIMITS

	Included Limit	Additional Limit	
Account Receivable	\$25,000		\$25,000
Valuable Papers and Records (At the Described Premises)	\$25,000		\$25,000
Forgery and Alteration	\$10,000		\$10,000
Money and Securities - Inside the Premises	\$10,000		\$10,000
Outside the Premises (Limited)	\$10,000		\$10,000
Outdoor Signs	\$2,500		\$2,500
Outdoor Trees, Shrubs, Plants and Lawns	\$10,000		\$10,000
Business Personal Property Away From Premises	\$15,000		\$15,000
Business Personal Property Away From Premises - Transit	\$15,000		\$15,000
Electronic Data	\$10,000		\$10,000
Interruption of Computer Operations	\$10,000		\$10,000
Building Property of Others	\$10,000		\$10,000

OPTIONAL COVERAGES - Other frequently purchased coverage options.

Employee Dishonesty	NOT PROVIDED
Ordinance or Law - 1 - Loss to Undamaged Portion	NOT PROVIDED
2 - Demolition Cost and Broadened Increased Cost of Construction	NOT PROVIDED
Ordinance or Law Broadened	NOT PROVIDED
Condominium Commercial Unit-Owners Optional Coverage - Loss Assessment	\$25,000
Condominium Commercial Unit-Owners Optional Coverage - Miscellaneous Real Property	\$175,000
Hurricane Deductible - PB5442 - 02%	INCLUDED
Sinkhole Loss Coverage	INCLUDED

PROTECTIVE SAFEGUARDS

This premise has Protective Safeguards identified by symbols below. Insurance for Fire or Burglary and Robbery at this premise will be excluded if you do not notify us immediately if any of these safeguards are impaired. See **PB 04 30** for a description of each symbol. APPLICABLE SYMBOLS: **NOT APPLICABLE**

PREMIER BUSINESSOWNERS POLICY

PREMIER OFFICE
PROPERTY DECLARATIONS

Policy Period:
From 06-19-15 To 06-19-16

Policy Number: **ACP BPOD5944966379**

Description of Premises Number: **002** Building Number: **001** Construction: **MASONRY NON-COMBUST**
 Premises Address **515 N PARK AVE STE 201** APOPKA FL **32712-3634**
 Occupancy **T** Classification: **ATTORNEYS**

Described as: **ATTORNEYS - OFFICE-NO PL**

WE PROVIDE INSURANCE ONLY FOR THOSE COVERAGES INDICATED BY A LIMIT OR BY "INCLUDED".

The Property Coverage provided at this premises is subject to a **\$ 1,000** Deductible, unless otherwise stated.

COVERAGES	LIMITS OF INSURANCE
Building -	NOT PROVIDED
Business Personal Property - Replacement cost	\$5,800
ADDITIONAL COVERAGES - the Coverage Form Includes other Additional Coverages not shown.	
Business Income - ALS - 12 Months - 72 Hour Waiting Period - 60 Day Ordinary Payroll Limit	INCLUDED
Extra Expense - Actual Loss Sustained (ALS) - 12 Months - 72 Hour Waiting Period	INCLUDED
Equipment Breakdown	INCLUDED
Automatic Increase in Insurance - Building	NOT PROVIDED
Automatic Increase in Insurance - Business Personal Property	2.9%
Back Up of Sewer and Drain Water (limit shown per Building, subject to \$25,000 policy aggregate)	\$5,000

OPTIONAL INCREASED LIMITS

	Included Limit	Additional Limit	
Account Receivable	\$25,000		\$25,000
Valuable Papers and Records (At the Described Premises)	\$25,000		\$25,000
Forgery and Alteration	\$10,000		\$10,000
Money and Securities - Inside the Premises	\$10,000		\$10,000
Outside the Premises (Limited)	\$10,000		\$10,000
Outdoor Signs	\$2,500		\$2,500
Outdoor Trees, Shrubs, Plants and Lawns	\$10,000		\$10,000
Business Personal Property Away From Premises	\$15,000		\$15,000
Business Personal Property Away From Premises - Transit	\$15,000		\$15,000
Electronic Data	\$10,000		\$10,000
Interruption of Computer Operations	\$10,000		\$10,000
Building Property of Others	\$10,000		\$10,000

OPTIONAL COVERAGES - Other frequently purchased coverage options.

Employee Dishonesty	NOT PROVIDED
Ordinance or Law - 1 - Loss to Undamaged Portion	NOT PROVIDED
2 - Demolition Cost and Broadened Increased Cost of Construction	NOT PROVIDED
Ordinance or Law Broadened	NOT PROVIDED
Sinkhole Loss Coverage	INCLUDED

PROTECTIVE SAFEGUARDS

This premise has Protective Safeguards identified by symbols below. Insurance for Fire or Burglary and Robbery at this premise will be excluded if you do not notify us immediately if any of these safeguards are impaired. See **PB 04 30** for a description of each symbol. APPLICABLE SYMBOLS: **NOT APPLICABLE**

PB 81 01 (04-11)

Page 1 of 2

DIRECT BILL MACH

MAC

INSURED COPY

UID 15

59 34604

PREMIER BUSINESSOWNERS POLICY

PREMIER OFFICE

LIABILITY DECLARATIONS

Policy Number: **ACP BPOD5944966379**

Policy Period:
From **06-19-15** To **06-19-16**

od:
-16

LIMITS OF INSURANCE

Each Occurrence Limit of Insurance	Per Occurrence	\$1,000,000
Medical Payments Coverage Sub Limit	Per Person	\$5,000
Tenants Property Damage Legal Liability Sub Limit	Per Covered Loss	\$300,000
Personal and Advertising Injury	Per Person Or Organization	\$1,000,000
Products – Completed Operations Aggregate	All Occurrences	\$2,000,000
General Aggregate (Other than Products – Completed Operations)	All Occurrences	\$2,000,000

AUTOMATIC ADDITIONAL INSUREDS STATUS

The following persons or organizations are automatically insureds when you and they have agreed in a written contract or agreement that such person or organization be added as an additional insured on your policy.

Co-Owners of Insured Premises
Controlling Interest
Grantor of Franchise or License
Lessors of Leased Equipment
Managers or Lessors of Leased Premises
Mortgagee, Assignee or Receiver
Owners or Other Interest from Whom Land has been Leased
State or Political Subdivisions - Permits Relating to Premises

PROPERTY DAMAGE DEDUCTIBLE

NONE

OPTIONAL COVERAGES

Hired Auto Liability Coverage	Included in Each Occurrence Limit of Insurance
Nonowned Auto Liability Coverage	Included in Each Occurrence Limit of Insurance

STATEMENT CERTIFYING NO CONFLICTS OF INTEREST/COLLUSION

The Vose Law Firm LLP makes the affirmative statement that the appointment as Legal Counsel to the Pinellas County Charter Review Commission will not result in a conflict of interest with respect to current or anticipated clients of the law firm. No client of our firm is currently involved in or anticipates future involvement in litigation against Pinellas County, any Pinellas County related governmental agency, or any non-county governmental agency located in Pinellas County, and our firm has no existing or probable actual conflicts of interest with Pinellas County or the Pinellas County Charter Review Commission.

The Vose Law Firm LLP represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required hereunder. The Vose Law Firm further represents that no person having any such interest shall be employed by that firm during the agreement term and any extensions. In addition, the Proposer shall not offer gifts or gratuities to County Employees as County Employees are not permitted to accept gifts or gratuities. By signing this proposal document, the Vose Law Firm acknowledges that no gifts or gratuities have been offered to County Employees or anyone else involved in this competitive proposal process.

The Vose Law Firm shall promptly notify the County's representative, in writing, by certified mail, of all potential conflicts of interest for any prospective business association, interest, or other circumstance, which may influence or appear to influence the firm's judgment or quality of services being provided hereunder. Such written notification shall identify the prospective business association, interest or circumstance, the nature of work that the firm may undertake and request an opinion of the County as to whether the association, interest or circumstance would, in the opinion of the County, constitute a conflict of interest if entered into by the firm.

The Vose Law Firm understands that it is essential to government procurement that the process be open, equitable and ethical. To this end, if

potential unethical practices including but not limited to collusion, receipt or solicitation of gifts and conflicts of interest (direct/indirect) etc. are observed or perceived, such activity will be disclosed to:

Pinellas County Clerk of Circuit Court - Division of Inspector General
Phone - (727) 45FRAUD (453-7283); Fax - 727-464-8386.

The Vose Law Firm certifies that this proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.

TAB 7

ADDITIONAL INFORMATION



VOSE LAW FIRM LLP
ATTORNEYS & COUNSELORS AT LAW

May 17, 2012

VIA EMAIL (Gisela.Salas@DOS.MyFlorida.com)

Dr. Gisela Salas
Director, Division of Elections
Florida Department of State
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399

Re: Request for Advisory Opinion on Behalf of the
2012 Orange County Charter Review Commission

Dear Dr. Salas:

Pursuant to my previous communications with your office, I am writing to request an advisory opinion on behalf of the 2012 Orange County Charter Review Commission, for which I serve as General Counsel. I am writing concerning questions relating to the propriety of political activities it may take under Florida's Election Code, and as such, it is my understanding that the Division of Elections has authority to issue an opinion pursuant to Section 106.23(2), Fla. Stat.

The Orange County Charter Review Commission ("Orange County CRC") is an independent commission under Orange County government, created by Section 702 of the Orange County Charter. The Orange County CRC's mailing address is c/o Orange County Comptroller's Office, P.O. Box 38, Orlando, FL 32802. The Orange County CRC is empowered to conduct a comprehensive study of any or all phases of county government, and to place proposed amendments to the Orange County Charter on the general election ballot. Such proposed amendments do not require the approval of, and cannot be vetoed by, the Orange County Board of County Commissioners.

Historically, after placing one or more proposed amendments to the Orange County Charter on the general election ballot, the Orange County CRC has prepared a "voter guide" to be mailed to Orange County voters, explaining the Orange County CRC's rationale in proposing the charter amendments, and educating voters as to the anticipated effects of adopting or not adopting the proposed amendments. I am writing in an effort to reconcile the preparation of such a voter guide with potentially applicable provisions of the Florida Election Code, including Section 106.113, Fla. Stat.

I have reviewed the Division's recent opinions discussing Section 106.113, Fla. Stat. (DE 10-06 and DE 10-07), and they have been instructive. However, the Division's responses to some of the questions posed in those opinions have prompted the questions I pose herein.

The central thesis of both DE 10-06 and DE 10-07 can be accurately summarized with this quote from DE 10-06 at page 3-4:

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COUNSEL TO EXTRAORDINARY FAMILIES, BUSINESSES & LEADERS WORLDWIDE SINCE 1973

324 W. MORSE BOULEVARD • WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 645-3735 • FACSIMILE: (407) 628-5670 • TOLL FREE: (866) 789-VOSE
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Because the definition of “electioneering communication” now only applies to candidates and not issues, that portion of the section 106.113 containing a prohibition on any activity that relates to an “electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to the vote of the electors” is superfluous and meaningless.

By its terms, Section 106.113, Fla. Stat. prohibits expenditures by local governments for either political advertisements or electioneering communications concerning an issue, referendum, or amendment. Accordingly, rendering the term “electioneering communication” meaningless necessarily implies that the prohibition imposed upon local government expenditures is limited to political advertisements concerning an issue, referendum, or amendment. Stated another way, local government expenditures for communications that do not rise to the level of a political advertisement are not prohibited under Section 106.113, Fla. Stat.

Section 106.011, Fla. Stat. defines “political advertisement” as follows:

(17) “Political advertisement” means a paid expression in any communications media prescribed in subsection (13), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

As the Division recognized in DE 05-06, the use of the term “expressly advocates” indicated the Legislature’s intent to apply the “magic words” standard to political advertisements as set forth by the United States Supreme Court in *Buckley v. Valeo*, 96 S.Ct. 612 (1976). As the Division stated in DE 05-06 at page 1:

That standard requires that the communication contain express words of advocacy of election or defeat of a candidate or issue such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “oppose,” and “reject.”

With all of this in mind, I seek some clarification concerning potential implications of the Division’s responses to numbered questions 3 and 4 at pages 4-5 of DE 10-06. In question 3 of that opinion, the Pinellas Suncoast Transit Authority (“PSTA”) posed the question, “Can you provide factual information from PSTA to entities expressing an opinion on any issue or referendum?” In response, the Division stated:

The definition of “political advertisement” requires a paid expression consisting of express advocacy, so providing factual information without expressing a position in support or opposition to the issue would not be a “political advertisement.” Again, the definition of “electioneering communication” does not include communications about an issue, so section 106.113, Florida Statutes

(2009), is not violated by expending public funds on communications consisting of factual information.

This statement is true enough, as far as it goes. It is axiomatic that a communication containing only factual information does not rise to the level of express advocacy, and so would not be prohibited under Section 106.113, Fla. Stat. Put another way, limiting a communication to only factual information is a sufficient means for a communication to not rise to the level of express advocacy. The fundamental question I pose is, is it necessary that a communication be limited to only factual information in order for it to not rise to the level of express advocacy.¹

In light of the Division's recognition of the *Buckley* "magic words" standard for express advocacy, the answer is clearly no. As the Division and the courts have recognized repeatedly, there exists a wide range of communication and expression involving both fact and opinion that falls short of express advocacy.²

However, the phrasing of the Division's response to question 4 in DE 10-06 may give rise to some confusion on this issue. I believe some of the confusion may have arisen as a result of the fact that the question, as posed by the PSTA, became somewhat inapposite in light of the Division's analysis earlier in the opinion.

At question 4, the PSTA inquired, "What kind of factual information can you provide – does it include declaratory statements that could be construed as an opinion, such as: 'The new tax will improve public transportation in Pinellas County?'"

Prompted by this question, the Division engaged in an analysis of the meaning of the term "factual information" as used in the last sentence of Section 106.113(2), Fla. Stat. That last sentence of that subsection states: "This subsection does not apply to an electioneering communication for a local government or person acting on behalf of a local government which is limited to factual information."

Before considering the Division's discussion in response to question 4, it is important to recognize that this last sentence of the subsection is drafted as an exemption from the general prohibition imposed earlier in the subsection. That is, the first sentence of Section 106.113(2), Fla. Stat., imposes a general prohibition on the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment. The second sentence then provides an exemption for a communication that would have otherwise

¹ This harkens back to the old first-year law school example: In order to avoid getting a speeding ticket, it is sufficient to leave your car parked in the garage. It is, however, not necessary to leave your car parked in the garage to avoid a speeding ticket.

² This wide range of communication incorporating both fact and opinion is further acknowledged in the definition of electioneering communication, which recognizes the existence of communications that do not expressly advocate, but which are "susceptible of no reasonable interpretation other than an appeal to vote for or against..."

satisfied the definition of electioneering communication, but which is limited to factual information.

In light of the Division's analysis under the revised definition of electioneering communication, as the statute no longer prohibits the expenditure of public funds on electioneering communications concerning ballot issues, the sentence exempting a subset of such electioneering communications from the prohibition is rendered superfluous.

Nonetheless, prompted by the phrasing of question 4 by the PSTA, the opinion in DE 10-06 proceeds to make the following statement at pages 4-5:

Based upon these definitions (defining "fact" and "information), we interpret the statute to limit your expressions of "factual information" to verifiable actualities, such as: "The new tax will permit the county to purchase 25 buses at a cost of \$100,000 each" and not include any kind of subjective, qualitative statement or comment that "The tax will improve public transportation." Even if 25 buses were purchased, additional criteria would determine whether the additional buses will actually improve public transportation.

It is to the underlined text that I draw your attention. It is my belief that, prompted by the PSTA's inapposite question seeking a definition of "factual information", the Division dutifully constructed a definition stating that expressions of factual information consisted only of verifiable actualities. While this discussion is an interesting intellectual exercise, it does not alter the fact that the vast weight of the Division's analysis in DE 10-06 and DE 10-07 supports the conclusion stated above: Local government expenditures for communications that do not rise to the level of a political advertisement (that is, express advocacy) are not prohibited under Section 106.113, Fla. Stat.

However, the quote above could conceivably be read to re-impose a much more restrictive limit on expression than is consistent with the balance of the Division's analysis. In particular, the statement "we interpret the statute to limit your expressions of 'factual information' to verifiable actualities... and not include any kind of subjective, qualitative statement or comment..." could be read to set a much lower threshold to trigger the prohibition imposed by Section 106.113, Fla. Stat.

In light of this potential confusion, I pose the following four questions:

- (1) Does the prohibition imposed by Section 106.113, Fla. Stat., extend only to local government expenditures for communications that constitute political advertisements?
- (2) Does the definition of political advertisement extend only to communications that constitute express advocacy?

Dr. Gisela Salas
Director, Division of Elections
May 17, 2012
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- (3) Does the Division maintain its opinion expressed in DE 05-06 that the use of the term “expressly advocates” in the definition of “political advertisement” indicated the Legislature’s intent to apply the *Buckley* “magic words” standard to political advertisements, requiring that to constitute express advocacy, the communication must contain express words of advocacy of election or defeat of a candidate or issue such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “oppose,” and “reject”?
- (4) Is it then the case that communications that do not satisfy the “magic words” express advocacy standard of *Buckley* are not prohibited under Section 106.113, Fla. Stat.?

The Orange County CRC intends to prepare its voter guide within the next 45 days, so any efforts to expedite the Division’s response pursuant to F.A.C. 1S-2.010(4)(i) would be greatly appreciated.

Thank you for your attention to this matter. If you have any questions or require any further clarification, please do not hesitate to contact me at my office, or by email at wvose@voselaw.com.

Sincerely,

/s/

Wade C. Vose

cc: Dorothy “Dotti” Wynn, Chair – 2012 Orange County Charter Review Commission
Dana Crosby-Collier, Esq., Orange County Attorney’s Office
Gary J. Holland, Esq., Division of Elections



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 24, 2012

Ms. Dorothy "Dotti" Wynn
Chair, 2012 Orange County Charter Review Commission
c/o Orange County Comptroller's Office
P.O. Box 38
Orlando, Florida 32802

RE: DE 12-05 -- Advertising; Expenditures
-- Use of Local Government Funds. §
106.113, Florida Statutes.

Dear Ms. Wynn:

This letter responds to a request for an advisory opinion submitted on behalf of the 2012 Orange County Charter Review Commission by Wade Vose, the Commission's General Counsel. Because the Commission plans to engage in political activity and has questions about compliance with Florida's election laws with respect to campaign finance law with respect to its intended actions, the Division has the authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2011).

By way of background, your general counsel states that the Charter Review Commission is an independent commission under Orange County government whose purpose is to review the county charter and to place proposed charter amendments on the general election ballot. Historically, the Commission has prepared a voter guide to be mailed to Orange County voters, explaining the Commission's rationale in proposing the charter amendments and educating voters as to the anticipated effects of adopting or not adopting the proposed amendments. Your attorney wants to ensure that the preparation of such a voter guide would not conflict with either section 106.113, Florida Statutes (2011), or its interpretation rendered by the Division in *Division of Elections Opinions* 10-06 and 10-07 (June 14, 2010).

Section 106.113, Florida Statutes (2011), provides:

106.113 Expenditures by local governments.--

(1) As used in this section, the term:

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(a) "Local government" means:

1. A county, municipality, school district, or other political subdivision in this state; and
2. Any department, agency, board, bureau, district, *commission*, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) "Public funds" means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds *for a political advertisement or electioneering communication concerning an issue, referendum, or amendment*, including any state question, that is subject to a vote of the electors. This subsection does not apply to an electioneering communication from a local government or a person acting on behalf of a local government which is limited to factual information.

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an elected official of the local government from expressing an opinion on any issue at any time. [*Emphasis added.*]

Based upon subsequent legislative changes to the definition of "electioneering communications," which applied the term only to communications about candidates, the Division opined that the portion of section 106.113 containing a prohibition on any activity that relates to an "electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to the vote of the electors" was superfluous. The Division adheres to this opinion. However, your attorney specifically requests further clarification of the two 2010 opinions by asking the following four questions as they relate to the Commission's intended action of issuing the voter's guide:

- (1) Does the prohibition imposed by Section 106.113, Florida Statutes, extend only to local government expenditures for communications that constitute political advertisements?
- (2) Does the definition of political advertisement extend only to communications that constitute express advocacy?
- (3) Does the Division maintain its opinion expressed in *Division of Elections Opinion 05-06* that the use of the term "expressly advocates" in the definition of "political advertisement" indicated the Legislature's intent to apply the *Buckley* "magic words" standard to political advertisements, requiring that to constitute express advocacy, the communication must contain express words of advocacy of election or defeat of a candidate or issue such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject"?

- (4) Is it then the case that communications that do not satisfy the "magic words" express advocacy standard of *Buckley* are not prohibited under Section 106.113, Florida Statutes?

The short answer to all of these questions is "yes."

First, if one applies the Division's prior opinions regarding the superfluous "electioneering communications" language within section 106.113, the only prohibition remaining is that a local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. Thus, the Division opines that section 106.113, Florida Statutes (2011), addresses only "political advertisements."

Second, the definition of "political advertisement" requires that that advertisement expressly advocate the election and defeat of a candidate or approval or rejection of an issue.¹ Therefore, section 106.113's prohibition is that a local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for an advertisement that expressly advocates the approval or rejection of an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors.

Third, as stated in *Division of Elections Opinion 05-06* (September 21, 2005), the use of the term "expressly advocates" is intended to apply the "magic words" standard to political advertisements as set forth by the United States Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976). The "magic words" standard requires that the communication contain express words of advocacy for the election or defeat of a candidate or issue such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject." The Division adheres to this view; therefore, for purposes of section 106.113, for an advertisement to be a "political advertisement," it must contain language which satisfies the "magic words" standard of *Buckley v. Valeo* relating to the approval or rejection of "an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors."

Finally, as previously stated, the Division interprets section 106.113 to now only prohibit "political advertisements." Because a "political advertisement" requires the element of express advocacy, which in turn, requires the use of the "magic words" standard of *Buckley v. Valeo*, the avoidance of such words in any expression would preclude the expression or message from being in violation of section 106.113, Florida Statutes (2011). Therefore, local government

¹ See § 106.011(17), Fla. Stat. (2011) (To be a "political advertisement," the expression, by means other than the spoken word, must be a (1) a paid expression; (2) in a "communications media" (as defined in § 106.011(13), Fla. Stat.); and be one which (3) expressly advocates the election and defeat of a candidate or the approval or rejection of an issue.)

Ms. Dorothy "Dotti" Wynn
May 24, 2012
Page 4 of 4

expenditures for communications that do not satisfy the definition of a "political advertisement" are not prohibited by section 106.113.

SUMMARY

Applying the Division's prior opinions regarding the superfluous "electioneering communications" language in section 106.113, Florida Statutes (2011), the prohibition within the section now addresses only "political advertisements." A political advertisement as defined in chapter 106, Florida Statutes (2011), must contain words which expressly advocate the approval or rejection of an issue based upon the "magic words" standard found in *Buckley v. Valeo*, 424 U.S. 1 (1976). Local government expenditures for communications that do not satisfy the definition of a "political advertisement" are not prohibited by section 106.113.

Sincerely,



Dr. Gisela Salas
Director, Division of Elections

cc: Wade Vose, Esq.

M E M O R A N D U M

TO: 2016 Orange County Charter Review Commission
FROM: Wade C. Vose, Esq., General Counsel
DATE: May 13, 2015
SUBJECT: Survey of County Charter Initiative Petition Provisions in Florida

Pursuant to the Commission's request at its April 9, 2015 meeting, I have assembled some basic information surveying the initiative petitions provisions and procedures under Florida's 20 county charters. A substantial portion of this information was previously provided to the members of the Initiative Petitions Workgroup prior to their meeting on April 30, 2014, but is restated and expanded upon herein for the benefit of the entire Commission.

As a starting point, please find attached as Exhibit "A" an excerpt from the Charter County Provision Comparisons spreadsheet prepared by the Florida Association of Counties ("FAC Spreadsheet Excerpt"), focused on a comparison of the initiative petition provisions of the 20 charter counties. The information and analysis in this memorandum is intended to supplement and expound upon the wealth of information in the FAC summary.

Please also find attached as Exhibit "B" a compilation of the initiative petition provisions of all 20 county charters, with the relevant portions highlighted. While this is 53 pages of otherwise opaque legalese, there are some general contours worthy of mention that should help structure your review.

A number of these charter provisions are substantially identical or very similar, and can therefore be grouped in a cursory review when looking for potential improvements or revisions to Orange County's initiative petition process. For example:

- Alachua, Charlotte, Clay, Lee, Osceola, and Seminole Counties' respective charters are structurally very similar with regard to initiative petitions, as are
- Columbia, Leon, Polk, and Wakulla Counties' respective charters. (And both groups as a whole are similar to each other.)

By "structurally similar," I mean that the language of the various initiative petition provisions track each other very closely, even if they vary substantially in the percentage of registered voters necessary to qualify an initiative petition, the number of days petition gatherers have to collect petitions, and at which election a referendum is required to be scheduled, among other variables. The particular values for such variables can be found in the FAC Spreadsheet Excerpt, as supplemented by additional materials referenced below.

Notably, Orange County's current initiative petition provisions are highly similar to the Alachua group referenced above, but vary from them structurally in that the initiative petition provisions for both ordinances by initiative and charter amendments by initiative are combined in a single section, while the Alachua group breaks up these two types of initiative petition.

Notable or Unique Provisions on Initiative Petitions

An initial review of the attached initiative petition provisions reveals a number of notable or unique provisions that stand out from the rest.

For example, Brevard's charter provides for a two-step petition process for charter amendments by initiative, with legal review of the petition and its language by a three-attorney panel after collection of a portion of the required signatures. In Brevard's case, the three-attorney panel is hired and paid by the board of county commissioners, and is tasked with "determin[ing] whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law, and [the Brevard County] Charter." If two of the three attorneys find that the proposal satisfies these criteria, the petition is returned to the sponsor to gather the rest of the required petitions. It should be noted that this charter provision does not specify a time period in which the commission-appointed three-attorney panel must complete its review.

Broward County's charter provides for County Attorney review of petitions prior to petition-gathering, but appears to be limited in its review to compliance with form requirements.

Miami-Dade's charter specifically addresses petition-gatherers, and requires a sworn affidavit from each petition-gatherer with respect to each petition, verifying that the petition was signed in the petition-gatherer's presence. In conjunction with this, Section 12-23 of the Miami-Dade code of ordinances sets forth a detailed set of requirements and restrictions relating to petition-gathering practices and disqualification of non-compliant petitions. A copy of that code section is attached hereto as Exhibit "C." Please note, however, that some of the provisions of this ordinance, notably the requirement that petition-gatherers be registered electors in Miami-Dade County, or the criminalization of making a "false statement concerning the contents or effect of any petition," may be constitutionally questionable in light of *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999), a U.S. Supreme Court case addressing initiative petitions, as well as previous court challenges to the ordinance. *See Dermer v. Miami-Dade County*, Case No. 07-21308-CIV, 2008 WL 2955152 (S.D. Fla. August 1, 2008), *reversed for lack of standing and ripeness*, 599 F.3d 1217 (11th Cir. 2010).

Orange County's own charter, as recently amended, now contains a provision, unique among the 20 charter counties, that prohibits the Board of County Commissioners:

from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section (*referring to the subject matter limitations set forth earlier in the section*) or Florida law."

Among the 20 charter provisions, you may also note that Polk County's charter requires that charter amendments by initiative petition must be approved by a 60% vote, in contrast to the majority (50% + 1) set forth in the other 19 charters. Please note that I am of the opinion that

this provision is legally impermissible under applicable Florida case law (in particular, *Citizens for Term Limits & Accountability, Inc. v. Lyons*, 995 So.2d 1051 (Fla. 1st DCA 2008)).

Comparisons of Percentages of Registered Voters Required, and from How Many Districts, for Ordinances by Initiative and Charter Amendments by Initiative

An area of considerable variability among the 20 county charters relates to the percentages of registered voters required to sign petitions in order to qualify each of the two types of initiative petition for the ballot. More subtly, the charters vary considerably in the standards by which this number is assessed, a subtlety that is entirely missed in the FAC Spreadsheet Excerpt.

Accordingly, please find attached as Exhibit “D” a chart breaking down not only the percentage of voters required to sign a petition for each type of initiative petition, but also specifying additional requirements relating to whether the petitions can simply be gathered from the county as a whole, or whether certain thresholds must be met in some or all of the county’s commission districts.

Such additional conditions substantially modify the thresholds necessary to a successful initiative petition effort, sometimes making them more strict (e.g., a requirement that a given percentage be obtained from each district) or more loose (Orange County’s specification that 10% is required only from 4 of the county’s 6 districts, a formulation unique among the 20 county charters). Also included in the chart, consistent with the request of Commissioner Hawkins, is the population of each of the 20 charter counties, in order to place the percentage requirement in an appropriate comparative context.

Public Hearing on Initiative Petitions

During one or more of your previous meetings, Chairman Shaughnessy has suggested that the Commission consider a requirement for a mandatory public hearing for charter amendments proposed by initiative. It is useful to note that a similar requirement is prevalent among the 20 county charters with regard to ordinances proposed by initiative petition, but is generally absent with regard to charter amendments. In the context of ordinances by initiative, the public hearing is generally held for the county commission to consider the adoption of the ordinance, and in the event it is not, it is placed on the appropriate ballot pursuant to charter. This is presumably to provide the county commission with an opportunity to adopt the ordinance and avoid the expense and trouble of an election.

While such a rationale would not obtain with regard to charter amendments (a vote of the electors of the county would still be required to amend a county charter), the structure of such a meeting could serve as a useful template for a public hearing on a proposed charter amendment by initiative petition. In addition, such requirement could conceivably be combined with the structure utilized by the Brevard County Charter for legal review (i.e., a public hearing required within X days after petition-gathering exceeds Y%) in order to allow the public hearing to occur during the petition-gathering process, without the requirement of holding a public hearing for every proposal at the outset.

Initiative Petition Procedures and Requirements Outside of Florida

The vast diversity of initiative petition procedures and requirements utilized by state and local governments outside of Florida is beyond the scope of this memorandum, and even the most cursory of surveys would be most appropriate to a lengthy journal article. It is anticipated that over the course of the Commission’s review of Orange County’s initiative petition procedures, members of the Commission and public will supply examples of innovative procedures from outside of Florida for the Commission to consider. Consideration of such proposals will necessarily include legal analysis for compatibility with Florida law, and constitutionality under the First and Fourteenth Amendments. An example of such an analysis in action is found in *Buckley v. American Constitutional Law Foundation, Inc.*, *supra*, a U.S. Supreme Court case evaluating the constitutionality of a long list of features in Colorado’s initiative petition requirements as they existed in the 1990s, namely:

- (1) The requirement that petition circulators be at least 18 years old,
- (2) The further requirement that they be registered voters,
- (3) The limitation of the petition circulation period to six months,
- (4) The requirement that petition circulators wear identification badges stating their names, their status as “VOLUNTEER” or “PAID,” and if the latter, the name and telephone number of their employer,
- (5) The requirement that circulators attach to each petition section an affidavit containing, *inter alia*, the circulator's name and address,
- (6) The requirements that initiative proponents disclose
 - (a) at the time they file their petition, the name, address, and county of voter registration of all paid circulators, the amount of money proponents paid per petition signature, and the total amount paid to each circulator, and
 - (b) on a monthly basis, the names of the proponents, the name and address of each paid circulator, the name of the proposed ballot measure, and the amount of money paid and owed to each circulator during the month.

Id. at 186-90.

The Court stated that it was guided in its review by its prior precedent in *Meyer v. Grant*, 486 U.S. 414 (1988), in which the Court struck down Colorado’s prohibition of payment for the circulation of ballot-initiative petitions, concluding that petition circulation is “core political speech” for which First Amendment protection is “at its zenith.” Without my belaboring its analysis, the Court struck down:

- (1) The requirement that petition circulators be registered voters,
- (2) The requirement that their identification badges state their names,
- (3) The requirements to disclose the name and amount paid to each petition circulator.

The Court found constitutional Colorado’s requirements that:

- (1) Petition circulators be at least 18 years old,

- (2) Petition circulators be residents of the state (not challenged in the case),
- (3) The limitation of the petition circulation period to six months,
- (4) The requirement that circulators attach to each petition section an affidavit containing, *inter alia*, the circulator's name and address.

Finally, the Court explicitly expressed no opinion on the constitutionality of Colorado's requirements that the required badge disclose whether the circulator is paid or volunteer, and if paid, by whom.

In summary, further inquiry into initiative petition procedures and regulations for which there is clear federal court precedent for their legality would be advised, in order to most securely address the complex constitutional analysis only hinted at above.

INITIATIVE TO ENACT, AMEND OR REPEAL COUNTY ORDINANCES						
County	% of Registered Electors Required on Petition	Time Limitation to Gather Signatures	Time Limit for County Commission to Take Action	If Referendum is Required it will be scheduled at:	Limitation on Subject Matter for Initiative Petitions	Approval as to Form
Alachua	7 (§2.2(H))	180 days (§2.2(H)(2))	60 days (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Brevard	5 (§5.1)	9 mos. (§5.1.1)	60 days (§5.1.2)	General Election (§5.1.2)	Specified in charter (§5.1.3)	Silent
Broward	7	180 days	90 days	General/Special election	Specified in charter	Y
Charlotte	10 (§2.2(G)(1))	6 mos (§2.2(G)(2))	60 days (§2.2(G)(3))	General Election (§2.2(G)(3))	Specified in charter (§2.2(g)(4))	Y (§2.2(G)(2))
Clay	10 (§2.2(I)(1))	180 days (§2.2(I)(2))	45 days (§2.2(I)(3))	General Election (§2.2(I)(3))	Specified in charter (§2.2(I)(5))	Y (§2.2(I)(2))
Columbia	7 (§6.1)	6 mos (§6.1.1)	60 days (§6.1.2)	General Election (§6.1.2)	Specified in charter (§6.1.3)	Silent
Duval	Silent	Silent	Silent	Silent	Silent	Silent
Hillsborough	8	180	Silent	General Election	Silent	Silent

INITIATIVE TO ENACT, AMEND OR REPEAL COUNTY ORDINANCES						
County	% of Registered Electors Required on Petition	Time Limitation to Gather Signatures	Time Limit for County Commission to Take Action	If Referendum is Required it will be scheduled at:	Limitation on Subject Matter for Initiative Petitions	Approval as to Form
Lee	5 (§2.2(H)(1))	180 days (§2.2(H)(2))	45 days (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Leon	10 (§4.1(1))	1 year (§4.2(2))	60 days (§4.2(3))	General Election (§4.2(3))	Specified in charter (§4.2(4))	N
Miami-Dade	4 (§8.01)	60 days	30 days	Next Countywide Election or if 8% signatures, special election	Specified in charter	Y
Orange	7 (§601(B))	180 days (§602)	30 days (§602(B))	Next election, 45 days after resol by BoCC (§602(B))	Specified in charter (§603)	Y (§602)
Osceola	7 (§2.2(H)(1))	180 days (§2.2(H)(2))	60 days (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Palm Beach	7 (§5.1)	Silent	45 days (§5.1)	General Election (§5.1)	Specified in charter (§5.1)	Silent
Pinellas	Silent	Silent	Silent			

INITIATIVE TO ENACT, AMEND OR REPEAL COUNTY ORDINANCES						
County	% of Registered Electors Required on Petition	Time Limitation to Gather Signatures	Time Limit for County Commission to Take Action	If Referendum is Required it will be scheduled at:	Limitation on Subject Matter for Initiative Petitions	Approval as to Form
Polk	6 (§6.1)	1 year (§6.1.1)	60 days (§6.1.2)	General Election (§6.1.2)	Specified in charter (§6.1.2)	Silent
Sarasota	Silent					Silent
Seminole	7 (§2.2(H)(1))	6 mos (§2.2(H)(2))	60 (§2.2(H)(3))	General Election (§2.2(H)(3))	Specified in charter (§2.2(H)(4))	Y (§2.2(H)(2))
Volusia	Silent				Silent	Silent
Wakulla	30 (§6.1)	6 mos (§6.1.1)	60 days (§6.1.2)	General Election (§6.1.2)	Specified in charter (§6.1.3)	Silent

METHODS TO AMEND CHARTER AMENDMENT BY PETITION					
County	Subject Matter Exclusions	% of Registered Electors Required on Petition	Time Limit to Gather Signatures	Referendum Will Be Scheduled	Voting Requirements
Alachua		10 (§4.2(A)(1))	180 days (§4.2(A)(2))	General Election (§4.2(A)(1))	Majority (§4.2(A)(3))
Brevard	Y (§7.3.2.1)	4 (§7.3.2)	9 mos (§7.3.2.4;§5.1.1)	Special Election (§7.3.3)	Majority (§7.3.3)
Broward		10	180 days	Next General Election or Special Election	
Charlotte		10 (4.2(B)(1))	90 days (4.2(B)(1))	General Election (§4.2(B)(1))	Majority (§4.2(B)(3))
Clay		10 (§4.2(A)(1))	180 days (§4.2(A)(3))	General Election (§4.2(A)(2))	Majority (§4.2(A)(4))
Columbia		10 (§8.3.2(2))	6 mos (§8.3.2)	General Election (§8.3.3)	Majority (§8.3.3)
Duval		5 (§18.05(a))	Silent	Next Countywide General Election (§18.05(h))	Majority (§15.05(k))
Hillsborough		8 (§8.03(1))	6 mos (§8.03(1))	General Election (§8.04)	Majority (§8.04)

METHODS TO AMEND CHARTER AMENDMENT BY PETITION					
County	Subject Matter Exclusions	% of Registered Electors Required on Petition	Time Limit to Gather Signatures	Referendum Will Be Scheduled	Voting Requirements
Lee		7 (§4.1(A)(1))	90 days (§4.1(A)(2))	General Election (§4.1(A)(4))	Majority (§4.1(A)(4))
Leon		10 (§5.2(1)(A))	1 year (§5.2(1)(A))	General Election (§5.2(1)(B))	Majority (§5.2(1)(B))
Miami-Dade	N	10 (§9.07(A))	Silent	60-120 days or special election (§9.07(C))	Majority (§9.07(D))
Orange	N	10 (§601(A))	180 days (§601(A))	Next General Election (§602(A))	Majority (§602(A))
Osceola	N	10 (§4.2(A)(1))	180 days (§4.2(A)(2))	Special Election (§4.2(A)(1))	Majority (§4.2(A)(3))
Palm Beach	N	7 (§6.3)	Silent	General Election or presidential primary (§6.3)	Majority (§6.3)
Pinellas	N	10 (§6.02(1))	180 days (§6.02(2))	General Election or special call referendum (§6.02(1))	Majority (§6.02(1))

METHODS TO AMEND CHARTER AMENDMENT BY PETITION					
County	Subject Matter Exclusions	% of Registered Electors Required on Petition	Time Limit to Gather Signatures	Referendum Will Be Scheduled	Voting Requirements
Polk	Y (§8.3.2))	7 (§8.3.2)	1 year (§8.3.2, §6.1.1)	General Election - cannot be held sooner than 60 days after amendment proposed or validated (§8.3.3)	60% (§8.3.3)
Sarasota	N	5 (§7.1)	Silent	Special Election (§7.1)	Majority (§7.1)
Seminole	N	7.5 residing in 3/5 (§4.2(A)(1))	6 mos (§4.2(A)(2))	General Election (§4.2(A)(1))	Majority (§4.2(A)(3))
Volusia		5 (§1302.2)	Silent	General Election (§1302.3)	Majority (§1302.3)
Wakulla	Y (§7.3.2)	30 (§7.3.2)	6 mos (§7.3.2, §6.1.1)	General Election (§7.3.3)	Majority (§7.3.3)



Exhibit “B”

(All 20 Florida Charter Counties - Initiative Petition Provisions)

To Survey of County Charter Initiative Petition Provisions in Florida

(Because of this Exhibit’s length – 53 pages – it has been made available as a separate PDF file.)

Sec. 12-23. Initiative, referendum and recall petitions—Verification of signatures; disqualification of non-complying petitions; prohibition on improper signature gathering practices.

- (1) No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County.
- (2) Form of Petition. All petitions for initiative, referendum, and recall submitted pursuant to Article 8 of the Miami-Dade County Home Rule Charter shall be in 12-point font with no more than one signature per page and in a format determined by the Supervisor of Elections; providing, however, each petition shall contain the following information:
 - A. A statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form.
 - B. The residence address of the circulator.
 - C. Dates between which all the signatures on each individual petition were obtained.
 - D. A sworn statement that the circulator personally circulated the petition, witnessed each signature as it was being written and that to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
 - E. A sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (1)(D) hereof; stating that it is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.
 - F. Any individual who knowingly signs more than one petition or who attempts to sign another person's name, or a fictitious name, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both.
 - G. The title and text in English, Spanish, and Creole of the ordinance or the Charter provision sought to be enacted or repealed.
- (3) Disqualification of Forms. Within thirty (30) days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court, shall disqualify the following petition forms:
 - A. Those that do not include in English, Spanish and Creole the title and text of the ordinance or the Charter provision sought to be enacted or repealed.
 - B. Those that do not comply with any one or more of the provisions relating to the circulator set forth in Section (1) hereof.
 - C. Those where the notary failed to comply with the provisions of F.S. § 117.05, requiring the notary to certify that to the best of his or her knowledge he or she knows the circulator or has seen documentary evidence to substantiate the authenticity of the circulator.
 - D. Those where the notary is the same person as the circulator.
 - E. Those where the signatures of the circulator or notary are dated earlier than the dates on which the electors signed the petition.
- (4) Disqualification of Signatures. The Supervisor of Elections in the case of the initiative or referendum, or the Clerk of the Circuit Court in the case of recall, shall disqualify the following signatures:

PART III - CODE OF ORDINANCES

Chapter 12 ELECTIONS

- A. Those signatures that are not accompanied by a residence address or precinct number of the voter.
- B. Those signatures that are illegible.
- C. Those signatures not dated.
- D. Those signatures representing persons who were not registered voters in Miami-Dade County on the date they signed the petition.
- E. The second and any additional signatures of an otherwise eligible voter.
- F. Those signatures that appear different to the extent that it cannot be determined that the person signing the petition and the person who is registered to vote are one and the same.
- G. Any signature that, within fifteen (15) days, excluding weekends and legal holidays, of the date of filing the petition, the signer, on a form prescribed by the Supervisor of Elections, has withdrawn his or her signature because the signature was fraudulently obtained.

(5) Prohibited Signature Gathering Practices

- A. It shall be unlawful for any person, entity, or elector intentionally to make or cause to be made any false statement concerning the contents or effect of any petition for initiative, referendum, or recall submitted pursuant to Article 7 of the Miami-Dade County Home Rule Charter to any person who is requested to sign any such petition or who makes an inquiry with reference to any such petition and who relies on such statement.
- B. Any person, entity, or elector convicted of a violation of section 12-23(5)A. of this Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 01-181, §§ 1—3, 11-6-01; Ord. No. 06-167, § 1, 11-28-06; Ord. No. 06-168, § 1, 11-28-06; Ord. No. 07-39, § 1, 3-6-07)

**Breakdown of Required Percentage of Registered Voters, and from How Many Districts
for Ordinances by Initiative and Charter Amendments by Initiative under Florida's 20 County Charters**

Charter County	Population	Ordinance by Initiative % of Reg. Voters Req. on Petition, and from How Many Commission Districts	Charter Amend. by Initiative % of Reg. Voters Req. on Petition, and from How Many Commission Districts
Alachua	247,337	7%, county as a whole	10%, county as a whole
Brevard	545,184	5%, county as a whole, with 5% from 3 of 5 districts	4% from each of 5 districts
Broward	1,753,162	7%, county as a whole, with no more than 25% from any one of 9 districts	7%, county as a whole, with no more than 25% from any one of 9 districts
Charlotte	160,463	10%, county as a whole	10%, county as a whole
Clay	191,143	10%, county as a whole	10%, county as a whole
Columbia	67,528	7%, county as a whole, with 7% from 3 of 5 districts	10%, county as a whole, with 10% from 3 of 5 districts
Duval	864,601	(No Ordinance by Initiative Process)	5%, county as a whole, or 10%, county as a whole, if proposed a second time within a 12 month period
Hillsborough	1,238,951	(No Ordinance by Initiative Process)	8%, county as a whole, with 8% from 2 of 4 districts
Lee	625,310	5%, county as a whole, with no more than 30% from any one of 5 districts	7%, county as a whole
Leon	276,278	10% from each of 5 commission districts	10% from each of 5 commission districts
Miami-Dade	2,516,515	4%, county as a whole, with no more than 25% from any one of 13 districts	10%, county as a whole
Orange	1,157,342	7% from each of 6 commission districts	10% from each of 4 of 6 commission districts [10% x (4/6) = 6.67%]
Osceola	273,867	7%, county as a whole	10%, county as a whole
Palm Beach	1,325,758	7%, county as a whole	7%, county as a whole
Pinellas	918,496	(No Ordinance by Initiative Process)	10%, county as a whole, with no more than 40% from any one of 3 at-large districts, and no more than 30% from any one of 4 single member districts
Polk	604,792	6% from each of 5 commission districts	7% from each of 5 commission districts
Sarasota	381,319	(No Ordinance by Initiative Process)	5%, county as a whole
Seminole	424,587	5%, county as a whole, with 5% from 3 of 5 districts	7.5%, county as a whole, with 7.5% from 3 of 5 districts
Volusia	495,400	(No Ordinance by Initiative Process)	5% from each of 5 commission districts
Wakulla	30,877	30% from each of 5 commission districts	30% from each of 5 commission districts

M E M O R A N D U M

TO: 2016 Orange County Charter Review Commission
FROM: Wade C. Vose, Esq., General Counsel
DATE: May 13, 2015
SUBJECT: Single Subject Rule and County Charters in Florida

Pursuant to the Commission's request at its April 9, 2015 meeting, I have assembled some basic information concerning the meaning and application of a single subject limitation with respect to initiatives under a county charter, with a particular focus on the anticipated legal effect of imposing a single subject requirement on one or more types of charter amendments or initiative petitions under the Orange County Charter.

First, it is important to understand that under the present state of the law, a single subject requirement does not presently exist with respect to Orange County Charter amendments. The seminal case on this matter is, notably, *Charter Review Commission of Orange County v. Scott*, 647 So.2d 835 (Fla. 1994).¹

In that case, the Florida Supreme Court considered whether a single subject requirement applied to an Orange County Charter amendment proposed by the CRC that both created a Citizen Review Board reviewing use of force or abuse of power allegations relating to Sheriff's deputies, and converted the Sheriff, Property Appraiser, and Tax Collector into charter officers, abolishing their constitutional officer status. After analysis, including a review of four instances in which a single subject requirement is expressly imposed in the text of the Florida Constitution or Florida Statutes, the court held that a single subject requirement does not apply to county charter amendments proposed by a charter review commission. *Id.* at 837.

Subsequently, in *Seminole County v. City of Winter Springs*, 935 So.2d 521, 528 (Fla. 5th DCA 2006), the Fifth District Court of Appeals (the state appellate court applicable to Orange County), in upholding a charter amendment proposed by the Seminole County Commission, held that "Neither the Florida Constitution nor the Florida Statutes applies a single subject rule to proposed amendments to county or city charters; therefore, any such limitation must be found within the charter itself." *Accord, Shulmister v. Larkins*, 856 So.2d 1149, 1151 (Fla. 4th DCA 2003).

With that understanding, we can turn now to the legal effect of and analysis implied in adding a single subject requirement to the Orange County charter. Research reveals no reported Florida cases addressing a challenge to a county charter amendment on the basis of a single subject requirement found within the charter itself, so initial reliance on the law construing the rigors of a single subject requirement in other contexts would be appropriate.

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¹ The case is notable not only because a prior iteration of this Commission was a party, but also because your very own Chairman argued the case before the Florida Supreme Court on behalf of the CRC.

As mentioned above, the Florida Supreme Court in *Scott* referenced four instances in which a single subject requirement is expressly imposed in the text of the Florida Constitution or Florida Statutes:

For instance, article III of the constitution contains a single-subject requirement for laws passed by the legislature,² and article XI imposes a single-subject requirement for constitutional amendments proposed by initiative petition.³ Section 125.67, Florida Statutes (1991), applies the single-subject rule to county ordinances,⁴ and section 166.041(2) places a single-subject requirement on municipal ordinances.⁵

Scott, 647 So.2d at 836.

Research further reveals a surprising lack of Florida cases addressing the application of the single subject requirement to either county or municipal ordinances, and so reference to cases construing single subject requirements in the contexts of laws passed by the Florida Legislature and constitutional amendments proposed by initiative petition is called for.

As to laws passed by the Florida Legislature, the Florida Supreme Court has enunciated a highly deferential standard of review in its application of the single subject rule:

When courts are called upon to assess legislation for compliance with article III, section 6, the standard of review is highly deferential. “[T]he general disposition of the courts [is] to construe the constitutional provision liberally, rather than to embarrass legislation by a construction whose strictness is unnecessary to the accomplishment of the beneficial purposes for which it has been adopted.” *Canova*, 94 So.2d at 184. We stated:

Should any doubt exist that an act is in violation of art. III, sec. 16 of the Constitution, or of any constitutional provision, the presumption is in favor of constitutionality. To overcome the presumption, the invalidity must appear beyond reasonable doubt, for it must be assumed the legislature intended to enact a valid law. Therefore, the act must be construed, if fairly possible, as to avoid unconstitutionality and to remove grave doubts on that score.

² Article III, section 6, Florida Constitution, provides in part: “SECTION 6. Laws. – Every law shall embrace but one subject and matter properly connected therewith....”

³ Article XI, section 3, Florida Constitution, provides in part: “SECTION 3. Initiative. – The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment shall embrace but one subject and matter directly connected therewith.”

⁴ Section 125.67, Florida Statutes (1991), provides in relevant part: “125.67 Limitation on subject and matter embraced in ordinances; amendments; enacting clause. – Every ordinance shall embrace but one subject and matter properly connected therewith....”

⁵ Section 166.041(2), Florida Statutes (1991), provides in relevant part: “Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith.”

Franklin v. State, 887 So.2d 1063, 1073 (Fla. 2004)

The court has particularly focused on the phrase “matter properly connected therewith” in enunciating this lenient standard:

A connection between a provision and the subject is proper (1) if the connection is natural or logical, or (2) if there is a reasonable explanation for how the provision is (a) necessary to the subject or (b) tends to make effective or promote the objects and purposes of legislation included in the subject.

Id. at 1079.

The Florida Supreme Court has distinguished this highly deferential standard from the more rigorous one applicable to state constitutional initiative petitions:

The use of the phrase “properly⁶ connected” in article III, section 6 is broader than the phrase “directly connected” required by article XI, section 3 of the Florida Constitution, which authorizes changes in our constitution by citizen initiative petition. In *Fine v. Firestone*, 448 So.2d 984 (Fla. 1984), we explained the distinction:

We find it is proper to distinguish between the two. First, we find that the language “shall embrace but one subject and matter properly connected therewith” in article III, section 6, regarding statutory change by the legislature is broader than the language “shall embrace but one subject and matter directly connected therewith,” in article XI, section 3, regarding constitutional change by initiative. Second, we find that we should take a broader view of the legislative provision because any proposed law must proceed through legislative debate and public hearing. Such a process allows change in the content of any law before its adoption. This process is, in itself, a restriction on the drafting of a proposal which is not applicable to the scheme for constitutional revision or amendment by initiative. Third, and most important, we find that we should require strict compliance with the single-subject rule in the initiative process for constitutional change because our constitution is the basic document that controls our governmental functions, including the adoption of any laws by the legislature. *Id.* at 988–89. (Emphasis supplied)

Franklin, 887 So.2d at 1077.

In contrast, the Florida Supreme Court sees the single subject requirement employing the phrase “directly connected” as a “rule of restraint... placed in the constitution by the people to allow citizens to propose and vote on singular changes in the functions of our government

⁶ Notably, the single subject provisions applicable to both county and municipal ordinances use the phrase “properly connected,” implying the applicability of the highly deferential standard due to legislative enactments.

structure.” *Advisory Op. to Att’y Gen. re Fairness Init. Req. Leg. Determ. that Sales Tax Exemptions and Exclusions Serve a Public Purpose*, 880 So.2d 630, 633 (Fla. 2004). Such constitutional initiative petitions are subjected to a stricter “oneness of purpose” standard. *Advisory Op.*, 880 So.2d at 634, *citing Fine*, 448 So.2d at 990 (“[T]he one-subject limitation deal[s] with a logical and natural oneness of purpose....”). “A proposed amendment meets this test when it ‘may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme. Unity of object and plan is the universal test....’” *Advisory Op.*, 880 So.2d at 634, *citing Fine*, 448 So.2d at 990.

Single Subject Requirements in County Charters

Attached as Exhibit “A” is a chart enumerating the extant single-subject requirements for both ordinances by initiative and charter amendments by initiative, and noting, where such a requirement exists, the relevant operative language (“directly connected” or “properly connected”). The vast majority of the counties imposing a single subject requirement employ the “directly connected” language, and therefore appear to have adopted the more rigorous standard discussed above, with only Hillsborough using the phrase “properly connected.” The Supreme Court’s analysis in *Franklin* relating to the non-deliberative character of initiative petitions would seem to further bear out the conclusion that the stricter single subject standard would apply to county charter initiative petitions. *See* 887 So.2d at 1077.

Note that Orange County is one of only seven counties that does not impose a single subject requirement of any kind on its charter amendments by initiative. In contrast, Orange is among the ten of the 15 counties that do not impose a single subject requirement on ordinances by initiative. (The other five of the 20 charter counties do not provide for ordinances by initiative in any event.)

If it is the will of the Commission to propose a charter amendment instituting a single subject requirement with respect to charter initiative petitions, use of the “directly connected” phrasing would most clearly express an intention to adopt the more rigorous single subject standard applicable to state constitution initiative petitions, as opposed to the highly deferential standard applicable to legislative actions.

Exhibit “A”

Breakdown of Single Subject Requirements for Ordinances by Initiative and Charter Amendments by Initiative under Florida’s 20 County Charters

Charter County	Ordinance by Initiative	Charter Amendment by Initiative
Alachua	No SSR	“Directly connected”
Brevard	No SSR	“Directly connected”
Broward	No SSR	No SSR
Charlotte	No SSR	“Directly connected”
Clay	No SSR	“Directly connected”
Columbia	“Directly connected”	“Directly connected”
Duval	(No Ord. by Init. Process)	No SSR
Hillsborough	(No Ord. by Init. Process)	“Properly connected”
Lee	“Directly connected”	“Directly connected”
Leon	“Directly connected”	“Directly connected”
Miami-Dade	No SSR	No SSR
Orange	No SSR	No SSR
Osceola	No SSR	“Directly connected”
Palm Beach	No SSR	No SSR
Pinellas	(No Ord. by Init. Process)	“Directly connected”
Polk	“Directly connected”	“Directly connected”
Sarasota	(No Ord. by Init. Process)	No SSR
Seminole	No SSR	“Directly connected”
Volusia	(No Ord. by Init. Process)	No SSR
Wakulla	“Directly connected”	“Directly connected”