

**FILED**

SID J. WHITE

APR 11 1994

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

IN THE SUPREME COURT  
OF THE STATE OF FLORIDA

CHARTER REVIEW COMMISSION OF  
ORANGE COUNTY, FLORIDA, et al.,

CASE NO. 83,010

Petitioners,

-vs-

ERNIE SCOTT, RICHARD T. CROTTY,  
etc., EARL K. WOOD, etc., KEVIN  
BEARY, etc., and BETTY CARTER,  
etc.,

Respondents.

---

DISCRETIONARY PROCEEDINGS  
TO REVIEW A DECISION OF THE DISTRICT  
COURT OF APPEAL OF FLORIDA, FIFTH DISTRICT

---

---

PETITIONER, CHARTER REVIEW COMMISSION,  
REPLY BRIEF

---

MEL R. MARTINEZ  
Florida Bar No. 163661  
MARTINEZ & DALTON, P.A.  
719 Vassar Street  
Orlando, Florida 32804  
407/425-0712

Attorneys for Petitioner,  
Charter Review Commission  
of Orange County, Florida

Of Counsel:

Robert W. Thielhelm, Jr.  
Florida Bar No. 889679  
Kevin W. Shaughnessy  
Florida Bar No. 473448

TABLE OF CONTENTS

Table of Authorities . . . . . ii

Argument

I. EVEN ASSUMING THAT CHARTER BALLOT QUESTION #1  
PROPOSED A MULTI-SUBJECT CHANGE, SUCH MULTI-  
SUBJECT CHANGES ARE CONSTITUTIONALLY AND  
STATUTORILY PROPER AND ARE CRITICAL TO THE  
EFFICIENT OPERATION OF GOVERNMENT NECESSARY  
TO PRESERVE THE ELECTORATE'S ABILITY TO EXERCISE  
EFFECTIVE CHANGE TO THEIR ORGANIC LAW . . . . . 1

A. Respondents' belief in a general rule of law  
imposing a single subject requirement in all  
cases makes existing constitutional and  
statutory law mere surplusage or a nullity . . . . . 3

B. A Charter is the organic law of a county  
that by necessity may properly and  
constitutionally be revised through  
multi-subject ballot questions. . . . . 4

C. Section 702's procedural safeguards, that  
follow assiduously the procedural processes  
set forth in Article XI, Sections 2 and 5 of  
the Florida Constitution, overcome the  
Respondents' challenges to multi-subject  
change. . . . . 6

II. CHARTER BALLOT QUESTION #1 DOES NOT VIOLATE  
THE SINGLE SUBJECT RULE OR ANY CONCEPT OF  
GERMANITY . . . . . 11

III. THE BALLOT SUMMARY OF CHARTER BALLOT QUESTION  
#1 COMPORTS WITH SECTION 101.161 . . . . . 13

Conclusion . . . . . 16

Certificate of Service . . . . . 17

**TABLE OF AUTHORITIES**

**CASES**

Adams v. Gunter,  
238 So. 2d 824 (Fla. 1970) . . . . . 4, 5, 8

City and County of Denver v. Mewborne,  
354 P. 2d 155 (1960) . . . . . 5, 6

Crawford v. Gilchrist,  
64 Fla. 41, 54, 59 So. 963, 968 (1912) . . . . . 4

Fire v. Firestone,  
448 So.2d 984, 988-89 (Fla. 1984) . . . . . 8

Hill v. Milander,  
72 So. 2d 796 (Fla. 1954) . . . . . 14

Howard v. City of Boulder,  
132 Colo. 141, 290 P. 2d. 237, 239 (1955) . . . . . 5, 6

Maxwell Smith v. Burbridge,  
24 Fla. 112, 130, 3 So. 869, 877, (1888) . . . . . 2

People v. Stapleton,  
79 Colo. 629, 247 P. 1062 (1926) . . . . . 5, 6

Rivera-Cruz v. Gray,  
104 So. 2d 501, 503 (Fla. 1958) . . . . . 5

Smathers v. Smith,  
338 So. 2d 825, 828 (Fla. 1976) . . . . . 4, 8-10

The Election Commission of the City  
and County of Denver v. McNichols,  
565 P. 2d. 937 (Colo. 1977) . . . . . 6

Winterfield v. Town of Palm Beach,  
455 So. 2d 359, 361 (Fla. 1984) . . . . . 2

**STATUTES AND CONSTITUTION**

Florida Constitution, Article XI . . . . . 3, 9, 10

Florida Constitution, Article III, Section 6 . . . . . 3

Florida Constitution, Article XI, Section 1 . . . . . 9, 10

Florida Constitution, Article XI, Section 2 . . . . . 2, 6-10

Florida Constitution, Article XI, Section 3 . . . . . 3, 7-9  
 Florida Statute, Section 101.161(1). . . . . 13, 14

**MISCELLANEOUS**

In re: Advisory Opinion of the Attorney General  
- Restricts Laws Related to Discrimination,  
 19 F.L.W. S109 (Fla. 1994) . . . . . 11, 13

In Re: Advisory Opinion of the Attorney General,  
 592 So. 2d 225 (Fla. 1991) . . . . . 11, 12

Orange County Charter, Section 702 . . . . . 1, 2, 6-8, 10

## ARGUMENT

- I. **EVEN ASSUMING THAT CHARTER BALLOT QUESTION #1 PROPOSED A MULTI-SUBJECT CHANGE, SUCH MULTI-SUBJECT CHANGES ARE CONSTITUTIONALLY AND STATUTORILY PROPER AND ARE CRITICAL TO THE EFFICIENT OPERATION OF GOVERNMENT AND NECESSARY TO PRESERVE THE ELECTORATE'S ABILITY TO EXERCISE EFFECTIVE CHANGE TO THEIR ORGANIC LAW.**

Multiple subject change to the organic law of our state and local government is necessary both to change the existing form of government and to preserve to the people the ability to exercise effectively their desire to change organic law. These needed changes can be and have been accomplished in a fair manner to the electorate through certain procedural safeguards designed to reduce the possibility of fraud, corruption, or collusion upon the electorate. The Charter Review Commission process under Section 702 of the Orange County Charter is just such a process.

Adoption of the Orange County Charter, creating the County Commission and the Charter Review Commission, establishing the Office of County Attorney, empowering the County Administrator, mandating a future vote on single-member district elections, and implementing a myriad of other operational necessities, was accomplished, as required by statute, through submission and approval of a single ballot question. Subsequent multi-subject changes to the Charter have similarly been approved by the Orange County electorate exercising their desire to revise significantly both the form and function of their government and organic law. By advocating the restriction of these desired changes through the euphemistic mechanism of the single subject rule, notwithstanding the admitted absence of any constitutional, statutory, or charter

requirement and while ignoring inherent safeguards in the Charter Review Commission process, the Respondents' not-so-veiled purpose is to prevent change and thwart the will of the people.

Respondents argue, inter alia, that "a general rule of law" exists limiting each and every issue put to a vote of the electorate to one, and only one, single subject. They assert that the single subject rule applies even in the absence of any specific constitutional, statutory or charter requirement.<sup>1</sup> Respondents take this position without addressing the distinction between constitutional or organic change and legislative lawmaking; without acknowledging the obvious parallels between Section 702 of the Orange County Charter and Article XI, Section 2 of the Florida Constitution and the identical procedural safeguards built into both of those processes; and without recognizing that the constitutional and statutory provisions expressly impose the single subject rule in specific, limited instances, none of which apply to revisions or amendments to home-rule county charters.

---

<sup>1</sup> To hold that the single subject rule applied in all instances would require the courts to take a greater role in determining when elections have complied with such a rule. Yet, such a result was exactly what this Court implicitly cautioned against in Winterfield v. Town of Palm Beach, 455 So. 2d 359, 361 (Fla. 1984). This Court agreed that the "disposition and duty of courts are to sustain popular elections whenever they have been free and fair, and it is clear that the voters have not been deprived of their right to vote, and the result has not been changed by irregularity." Id. at 361 (quoting from state Maxwell Smith v. Burbridge, 24 Fla. 112, 130, 3 So. 869, 877, (1888)). The application of a single subject rule irrespective of whether one is constitutionally, statutorily or otherwise expressly required, would force the courts to become increasingly involved in the elective process.

- A. Respondents' belief in a general rule of law imposing a single subject requirement in all cases makes existing constitutional and statutory law mere surplusage or a nullity.

A major flaw in Respondents' position is that if the single subject rule is a general rule of law applying in all cases because it is warranted by public policy, then the various constitutional and statutory provisions expressly providing for or applying the single subject rule to legislative acts, and county and municipal ordinances and resolutions, are unnecessary and mere surplusage. For example, Article III, Section 6 of the Florida Constitution, provides that "every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." If the single subject rule was a general rule applicable in all circumstances, then an express provision in the state constitution such as the one found in Article III, Section 6 is completely unnecessary.

More importantly, Respondents' arguments completely ignore the differences in the specific language contained in the four procedures for amending or revising the Florida Constitution. Article XI, Fla. Const. Notably, a single subject requirement is only expressly provided in the initiative alternative for amending or revising the state constitution. See Art. XI, § 3, Fla. Const. Respondents' argument that the single subject rule applies in all instances would mean the distinctions between the specific language used in each of the sections of the Florida Constitution providing for a particular means of changing the constitution are meaningless. However, this Court has consistently held that

"different words in amendatory articles of the constitution must be read differently, and each given vitality." Smathers v. Smith, 338 So. 2d 825, 828 (Fla. 1976) (citing Adams v. Gunter, 238 So. 2d 824 (Fla. 1970); Crawford v. Gilchrist, 64 Fla. 41, 54, 59 So. 963, 968 (1912)). Accordingly, the single subject rule is not a general rule of law, applicable in all circumstances.

- B. A Charter is the organic law of a county that by necessity may properly and constitutionally be revised through multi-subject ballot questions.

Respondents failed to address, and in fact ignored, any distinction between legislation and organic or constitutional lawmaking. Legislative acts are the exercise of power conferred by the controlling organic or constitutional law whether it emanates from our federal constitution, state constitution or a home-rule county charter. The distinctions between constitutional or organic law and legislative acts cannot be ignored. Constitutional or organic law forms the very fabric by which government operates. Due to their very nature, charters, like constitutions, cannot be treated like legislative acts. The concern and need for a uniform and properly functioning government must be balanced against the concern for avoiding logrolling and surprise, especially in circumstances in which procedural safeguards are imposed that not only make it more difficult to effect change to constitutional or organic law but also reduce the potential for fraud in the elective process. Piecemeal change to the organic law would have a disastrous effect on the ability of government to function properly and on the electorate's ability to effect necessary change.



Treating legislation and organic or constitutional lawmaking the same would thus have the adverse effect of jeopardizing the ability of government to function. See Adams v. Gunter, 238, So. 2d 824 (Fla. 1970); Rivera-Cruz v. Gray, 104 So. 2d 501, 503 (Fla. 1958).

Respondents believe Petitioner's reliance on the Supreme Court of Colorado's decision in City and County of Denver v. Mewborn, 354 P. 2d 155 (1960) is misplaced. Scott, Crotty and Wood indicate that the Mewborn court "did however, acknowledge that there had been incidents where the court held a charter amendment invalid because it comprised too many non-germane subject." Respondents Scott, Crotty and Wood's Answer Brief on Merits ("Scott Brief") at page 16. Respondent Beary asserts that the Mewborn court "explained that the single subject rule had been applied in 'exceptional' cases where a proposed charter amendment was comprised of too many 'non-germane' subjects, such as an attempt to remove and replace selected officials." Respondent Beary's Answer Brief ("Beary Brief") at page 8 (emphasis in original). Notably, the exceptional circumstances referenced by the Mewborn court are not applicable to the instant case. See Howard v. City of Boulder, 132 Colo. 141, 290 P. 2d. 237, 239 (1955) (amendment actually removed elected public officials from office); People v. Stapleton, 79 Colo. 629, 247 P. 1062 (1926) (amendment actually filled elected offices created and involved election by legislation). Moreover, the Supreme Court of Colorado has subsequently addressed this precise issue, holding that the earlier cases involve circumvention

of election procedures, and not a condemnation of placing several subjects within a single ballot question:

On two previous occasions this court has invalidated proposed charter amendments on a ground of excessive breadth, but both of these cases have since been distinguished and limited. People ex rel. Walker v. Stapleton, 79 Colo. 629, 247 P. 1062 (1926) and Howard v. Boulder, 132 Colo. 401, 290 P. 2d, 237 (1955) both involved attempts to remove and replace elected officials by way of a charter amendment, and it was this circumvention of election procedures that was condemned in both cases. In City and County of Denver v. Mewborn, supra, this court explained: "these cases actually stand for the proposition that such efforts are invalid.... They cannot be regarded as authority for the proposition that several subjects cannot be constitutionally included within a single charter amendment."

The Election Commission of the City and County of Denver v. McNichols, 565 P. 2d. 937 (Colo. 1977) (emphasis added).

- C. Section 702's procedural safeguards, that follow assiduously the procedural processes set forth in Article XI, Sections 2 and 5 of the Florida Constitution, overcome the Respondents' challenges to multi-subject change.

Respondents, not surprisingly, simply ignore the obvious parallels between the Constitutional Revision Commission provided for under Article XI, Section 2 of the Florida Constitution and the Charter Review Commission provided for under Section 702 of the Orange County Charter. Compare Fla. Const. Art. XI, §§ 2 and 5, with Orange County Charter Section 702. Respondents appear to make three separate arguments in an effort to avoid any parallels to the amendment and revision processes under Florida's Constitution. Each argument is unavailing.

First, Respondents argue, that Charter Ballot Question #1 involved an amendment rather than a revision of the Orange County Charter.<sup>2</sup> Yet, it is obvious that the distinction being made by Respondents is a distinction without difference.<sup>3</sup> If application of the single subject rule depended on whether a particular change was an amendment rather than a revision, the power of the people to propose constitutional change by initiative would not expressly include both amendments and revisions. Only amendments would have been allowed and the express single subject requirement would have been unnecessary. More importantly, Section 702.B. of the Orange County Charter parallels Article XI, Section 2 and permits the Charter Review Commission to propose both amendments and revisions. Similarly, the Constitutional Revision Commission under Article XI, Section 2 is empowered with the ability to propose a revision of the constitution "or any part of it." Article XI, Section 2 does not expressly require that any revision to the entire constitution or part of it be limited to a single subject. Compare Art. XI, Fla. Const., § 2 with Art. XI, § 3, Fla. Const.

---

<sup>2</sup> The distinction raised by Respondent Beary is curious in light of the specific question certified by the Fifth District Court of Appeals:

WHETHER BALLOT QUESTIONS CONTAINING COUNTY  
CHARTER REVISIONS PROPOSED BY CHARTER REVIEW  
COMMISSION ARE SUBJECT TO A SINGLE SUBJECT  
RULE?

(Emphasis added.)

<sup>3</sup> In fact, Respondent Beary argues that Charter Ballot Question #1 involved an amendment but, even if it was a revision, the single subject rule applies equally to amendments and revisions. See Beary Brief at pp. 13-15.

Second, Respondent Beary criticizes the procedural safeguards built into the Charter Review Commission process under Section 702 of the Orange County Charter.<sup>4</sup> Beary Brief at p. 14. His arguments are extremely suspect in light of the fact that Section 702 of the Orange County Charter is modeled after Article XI, Section 2 of the Florida Constitution. On several occasions, this Court has noted the importance of procedural safeguards in analyzing the single subject rule in varying contexts. See Adams v. Gunter, 238 So.2d 824 (Fla. 1970). See generally Fine v. Firestone, 448 So.2d 984, 988-89 (Fla. 1984). Beary's arguments fail to propose any valid justification for treating the Charter Review Commission process any differently than the Constitutional Revision Commission process, and they completely ignore the need for avoiding piecemeal change to a home-rule county's charter or organic law. Simply no justification exists to treat differently Section 702 and Article XI, Section 2.

Third, consistent with Respondents' failure to acknowledge the parallels between Article XI, Section 2 of the Florida Constitution and Section 702 of the Orange County Charter, Respondent Beary improperly attempts to rely on Smathers v. Smith, 338 So.2d 825 (Fla. 1976). In short, Beary improperly attempts to equate "germaness" with the single subject rule. See Beary Brief at page 15. Respondent simply reads too much into this Court's opinion in Smith. Equating germaness with a single subject rule would make

---

<sup>4</sup> The procedural safeguards built into the Charter Review Commission process are not addressed by Respondents Scott, Crotty, and Wood.

the express single subject rule under Article XI, Section 3 of the Florida Constitution mere surplusage. Moreover, the Smith Court specifically held that the initiative, constitutional convention and constitutional revision commission processes for constitutional change were not affected by the decision in Smith. See id. at 827. The concept of germaness recognized in Smith arose out of the specific language of Article XI, Section 3, Amendments or Revisions by the Legislature:

It is immediately apparent that two of three amendatory alternatives given the Legislature--that of amending a "section" and revising an "article"--are tied to locational specificity. No similar limitations are placed on the amendatory rights which the people reserved to themselves. Initially, then, we must decide whether this distinguishing feature of the amendatory authority given legislature has legal significance.

Id. at 827 (emphasis added).

It is clear from the decision in Smith that the concept of germanity or rationality applied to "amendments to sections" or "revisions to articles" of the Constitution arose from the express language contained in Article XI, Section 1. Article XI, Section 1 of the Florida constitution provides, in relevant part, that: "Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature." Since the locational limitations contained in Article XI, Section 1 are not repeated in other Sections of Article XI, including Section 2 on the Constitutional Revision Commission, a "germane" requirement would not apply to the other

methods or processes for changing the Florida Constitution. Correspondingly, nothing in Article XI of the Constitution would require the application of a single subject/germaness rule to a charter revision proposed by the Orange County Charter Review Commission.

In Smith, this Court ruled that the notion of germanity would pertain only to both amendments to sections and revisions to Articles. See id. at 830 and n. 18. However, the Smith Court also ruled that "constitutional adjustments of more-than-article significance, however, pose no need for germanity since they are necessarily revisions to the entire constitution." Id. at 830 n. 18. Since Article XI, Section 1 is written in terms of revision "of one or more articles, or the whole, of this constitution", a revision of the Constitution need not involve each and every article, but simply more than one article of the constitution. Consequently, any argument that a revision can only involve a change to the entire constitution is improper and the concept of germanity would not apply even though a revision only applied to two articles.

Implicit in this Court's decision in Smith is the acknowledgement that change of organic law cannot always involve single subjects. See id. at 830 n. 18. Section 702 of the Orange County Charter, much like Article XI, Section 2 of the Florida Constitution recognizes the need to avoid piecemeal change to the organic law and provides a means for making changes that cannot always be limited to a single subject. The Charter Review

Commission process under Section 702 of the Orange County Charter provides the same procedural safeguards intended to reduce the dangers involved in logrolling and to avoid fraud, corruption or collusion being practiced upon the voters of Orange County. At the same time, the Charter Review Commission process enables Orange County to avoid piecemeal changes to its "constitution or organic law" which is essential to the proper and orderly function of Orange County's government.

**II. CHARTER BALLOT QUESTION #1 DOES NOT VIOLATE THE SINGLE SUBJECT RULE OR ANY CONCEPT OF GERMANITY.**

This Court recently reiterated the single subject rule as requiring a "logical and natural oneness of purpose." In re: Advisory Opinion of the Attorney General - Restricts Laws Related to Discrimination, 19 Fla.L.W. S109 (Fla. 1994). Without denying that the overriding purpose of the revision contained in Charter Ballot Question #1 is to make the Sheriff, Property Appraiser and Tax Collector more accountable to the electors of Orange County, Respondents boldly claim that the change in status of such offices are completely unrelated to each other and to the creation of a Sheriff's Review Board. However, this Court has indicated that a "logical and natural oneness of purpose" does in fact exist if it "may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme." In Re: Advisory Opinion of the Attorney General, 592 So. 2d 225 (Fla. 1991).

Creating a Citizen Review Board is logically a component part of the single dominant purpose of increasing accountability. Both the creation of the Citizens Review Board and the status transfers to Charter officers were part of a "single and dominant plan or scheme" designed to increase the electorate's control over extremely powerful officials in local government. Moreover, inclusion of the Citizens Review Board with the transfer of status from constitutional to Charter offices is naturally related and connected to the increase of the electorate's control in that if the Sheriff was not subject to Orange County's Charter, then the Citizens Review Board would be superfluous and ineffective against any wrongdoing by the Sheriff's Office. Requiring a separate ballot question for the Citizen's Review Board would require "daisy-chain" amendments which this Court has rejected. See Rivera-Cruz v. Gray, 104 So.2d 501 (Fla. 1958).

Much like a limitation on the number of consecutive terms that certain elected public officials can serve affects numerous different government offices, but which has a single dominant purpose of limiting the influence of special interest groups, the single overriding purpose of Charter Ballot Question #1 was to make the Sheriff, Property Appraiser and Tax Collector more accountable to the electors of Orange County. See In Re: Advisory Opinion of the Attorney General, 592 So. 2d 225 at p. 228. Simply because the proposed revision affected three separate offices should not invalidate the proposed revision as being violative of the single subject rule. Yet, Respondents view "accountability" as too broad



a purpose to satisfy the single subject rule. Under the analysis put forth by Respondents, any amendments seeking to modify the way in which Charter officers are elected could not be accomplished unless the new election procedure was presented as a separate question for each officer. Such a result is not contemplated by the single subject rule, nor consistent with this Court's precedent.

**III. THE BALLOT SUMMARY OF CHARTER BALLOT QUESTION #1 COMPORTS WITH SECTION 101.161.**

As recently provided by this Court in In re: Advisory Opinion to the Attorney General - Restricts Laws Related to Discrimination, 19 Fla.L.W. S109 (Fla. March 3, 1994) "the critical issue concerning the language of the ballot summary is whether the public has "fair notice" of the meaning and effect of the proposed amendment." Id. at S110.

Respondents clearly misconstrue the purpose and requirements of Section 101.161(1) by claiming the ballot summary fails to fully inform the electorate of the "changes to be made" or the significance and affect of the proposed ballot question. To buttress their interpretation of Section 101.161(1), both Respondents listed the alleged omissions and deficiencies in the summary of Charter Ballot Question #1. Respondent Beary required over 500 words to list the alleged deficiencies of the ballot summary. Similarly, Respondents Scott, Crotty and Wood required approximately 350 words to list what they referred to as "examples of the summary deficiencies." Obviously, Respondents' versions of

the ballot summary requirements are much more onerous than can be accommodated under the 75-word limit in Section 101.161(1). Significantly, the record does not reveal any showing of lack of fairness or confusion to the electorate.

Ultimately, the real purpose of Section 101.161(1) is to give the electorate fair notice of the ballot proposal, sufficient to enable the voter to cast intelligently his or her vote. See Hill v. Milander, 72 So. 2d 796 (Fla. 1954). The summary of Charter Ballot Question #1 states as follows:

**QUESTION #1**

**CREATE CITIZEN REVIEW BOARD; CHANGE SHERIFF, PROPERTY APPRAISER, AND TAX COLLECTOR TO ELECTED CHARTER OFFICERS**

Shall the Orange County Charter be revised to: (a) create a Citizen Review Board with subpoena power that would review and make recommendations regarding citizen complaints and departmental investigations of the use of force or abuse of power by employees of the Sheriff; and (b) make the Orange County Sheriff, Property Appraiser and Tax Collector elected charter officials subject to Charter provisions and abolish their current status as "constitutional officers"?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

The summary states exactly what the proposed revision intended. It creates a citizen review board and changes the status of the sheriff, property appraiser and tax collector to elected charter officers. The summary gives fair notice of the meaning and effect of the proposed revision. Further details are not possible given the 75-word statutory limitation and, in any event, would confuse the voters and make their choice much more difficult. This

result is clearly not contemplated by Section 101.161(1) and is a telling indication of the Respondents' true motivation for challenging Charter Ballot Question #1 -- to frustrate the voters' ability to effect necessary and desired change in the accountability of their elected officials.

**CONCLUSION**

The Court should answer the certified question in the negative, hold that the single subject rule does not apply to county charter revisions proposed by a charter review commission, find that the ballot summary complied with Florida law, and, accordingly, reverse the decision below.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of April,  
1994.

**MARTINEZ & DALTON, P.A.**

BY: Mel R. Martinez  
Mel R. Martinez  
Florida Bar No. 163661  
719 Vassar Street  
Orlando, Florida 32804  
407/425-0712

Attorneys for Petitioner,  
Charter Review Commission  
of Orange County, Florida

Of Counsel:

Robert W. Thielhelm, Jr.  
Florida Bar No. 889679  
Kevin W. Shaughnessy  
Florida Bar No. 473448

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail this 8th day of April, 1994, to A. BRYANT APPLGATE, ESQ., Post Office Box 1393, Orlando, Florida, 32802; DEBRA STEINBERG NELSON, ESQ., and ALTON G. PITTS, ESQ., 201 East Pine Street, Suite 425, Orlando, Florida, 32801; J. J. DAHL, ESQ., Post Office Box 1440, Orlando, Florida, 32802; WILLIAM E. POWERS, JR., ESQ., PHILLIP P. QUASCHNICK, ESQ., and STACI BIEVENUE, ESQ., Post Office Box 12186, Tallahassee, Florida 32317-2186; and ROBERT A. GINSBURG, ESQ., Stephen P. Clark Center, Suite 2810, 111 N.W. 1st Street, Miami, Florida, 33128-1993.

**MARTINEZ & DALTON, P.A.**

BY: 

Mel R. Martinez  
Florida Bar No. 163661  
719 Vassar Street  
Orlando, Florida 32804  
407/425-0712

Attorneys for Petitioner,  
Charter Review Commission  
of Orange County, Florida

Of Counsel:

Robert W. Thielhelm, Jr.  
Florida Bar No. 889679  
Kevin W. Shaughnessy  
Florida Bar No. 473448