

Citizen Charter Review Committee

November 6, 2025
11:30 a.m. – 1:30 p.m.
Leon County Main Library
Programming Room A

AGENDA

1. Call to Order and Opening

Mary Ann Lindley,
Chair

Consent

2. Approval of October 23, 2025 Meeting Minutes
3. Approval of Committee Bylaws
4. Receipt & File of Written Public Comments

Presentations

5. Overview of Leon County Government
6. Overview of Leon County Charter by Article &
Recap of Charter Amendment Process

Vincent S. Long,
County Administrator

Nicki Hatch

Public Comment

General Business

7. Board Issue for Committee Consideration
*Agenda Item A: Leon County Ordinances in Relation to
Municipal Ordinances*
8. Committee Discussion on Proposed Charter Amendments

Chasity O'Steen &
Ken Morris

*The next meeting of the Citizen Charter Review Committee will take place on
Thursday, November 20, 2025.*

APPROVAL OF OCTOBER 23, 2025 MEETING MINUTES

Citizen Charter Review Committee
October 23, 2025
11:30 a.m. - 1:30 p.m.
Leon County Main Library
Programming Room

The Leon County 2025-2026 Citizen Charter Review Committee (CCRC) met on October 23, 2025, at 11:30 a.m. in the Leon County Main Library with Committee members Mary Ann Lindley, Chauncy Haynes, Darryl Jones, Sean Pittman, Linda Bond Edwards, Henry Lewis III, Bruce Strouble Jr., Howard Kessler, Ryan Ray, Liz Ellis, Joey Davis, Anita Favors, Barry Wilcox, Katrina Tuggerson, Slaton Murray, Temple Robinson, Max Herrle, Shamarial Roberson, and Jarrett Terry in attendance. Committee members Heidi Otway and William Smith were absent. Also present were County Administrator Vince Long, Assistant County Administrator Ken Morris, County Attorney Chasity O'Steen, Assistant to the County Administrator for Legislative and Strategic Initiatives Nicki Hatch, Management Analyst Cameron Williams, and Clerks to the Board, Beryl Wood and Daniel J. Antonaccio.

Absent Members: Heidi Otway and William Smith

Opening Remarks & Committee Charge – Vincent S. Long, County Administrator

County Administrator Vince Long convened the inaugural meeting of the Citizen Charter Review Committee, welcoming members and expressing appreciation for their willingness to serve. He thanked the members on behalf of the Board of County Commissioners, county staff, and the community, emphasizing that their contributions are essential to maintaining an effective and representative home-rule government.

He provided an overview of the Charter Review process, noting that the Committee convenes once every eight years to review the Leon County Charter, referred to as the “home rule constitution”, and make recommendations to the Board of County Commissioners. Members will have 120 days to conduct their review and may propose amendments or determine that no changes are necessary. The Board granted broad latitude for discussion, identifying only one specific issue requiring formal review, which will be addressed later in the process.

Committee Introductions:

County Administrator Long stated that county staff's role is to fully support the Committee. He introduced key members of the staff resource team:

- Chasity O'Steen, County Attorney
- Ken Morris, Assistant County Administrator
- Nicki Hatch, Assistant to the County Administrator for Legislative and Strategic Initiatives and primary staff liaison
- Cameron Williams, Management Analyst

He emphasized that the process will be methodical and transparent, with members reviewing every article and section of the Charter to ensure that it continues to reflect the needs and preferences of the community.

Each member of the Committee introduced themselves and shared their background and connection to Leon County.

Commissioner Proctor welcomed the Committee and spoke to their diversity.

Commissioner Minor thanked everyone for being present and for their public service.

Overview of Charter Government:

County Administrator Vince Long provided an overview presentation on the history, purpose, and framework of charter county government in Florida. County Administrator Long explained that a county charter functions as a home rule constitution, the local governing document that defines the framework, authority, and structure of county government. It is a *living document*, subject to amendment only by the local electorate.

The concept of charter county government, he said, arises from the principle that *one size does not fit all* in local governance. No two Florida counties are identical, and each faces unique local issues and needs. He noted that while all counties must fulfill the same state-mandated responsibilities, charters allow local governments to tailor their organization and powers to fit their communities.

County Administrator Long provided an overview of Florida History related to the operation of local governments under “Dillon’s Rule” prior to the 1968 Constitutional Revision. County Administrator Long’s overview continued with how the 1968 Constitutional Revision granted home rule authority to local governments by allowing counties to adopt charters by local referendum to exercise greater autonomy and flexibility in addressing community-specific issues. Since that time, 20 of Florida’s 67 counties have adopted charters, representing roughly 75–80 percent of the state’s population.

Leon County’s Charter:

County Administrator Long noted that Leon County adopted its charter in 2002, describing it as a “starter charter.” This approach, he said, is common among first-time charter counties and typically codifies the existing structure of government at the time of adoption, with the understanding that amendments will occur as the community evolves.

Charter Amendment Process:

Mr. Long outlined the three mechanisms through which a county charter may be amended. He emphasized that any proposed amendment must be approved by a majority vote of the local electorate at a general election.

1. Citizen Petition:

- o Requires signatures from 10% of registered voters countywide, including 10% from each County Commission district.
- o May be initiated at any time, provided the proposed amendment appears on a general election ballot.
- o This method has never been utilized in Leon County.

2. County Commission Action:

- o Requires a majority plus one vote of the Board of County Commissioners.
- o The Board may propose amendments at any time.
- o This method has never been utilized.

3. Citizen Charter Review Committee:

- o As established in the Leon County Charter, this citizen committee convenes every eight years to review and recommend Charter amendments to the Board of County Commissioners.

Past Citizen Charter Review Committees:

Mr. Long provided a brief history of the previous Citizen Charter Review Committees convened since the charter's adoption in 2002.

2010 Citizen Charter Review Committee:

The 2010 Committee proposed seven amendments to the Board of County Commissioners.

1. Tourism Development Structure
2. Minimum Countywide Environmental Standards.
3. Employment of the County Administrator
4. Non-Interference Policy
5. Campaign Contributions
6. Petition Thresholds
7. Future Citizen Charter Review Committee Authority

Of the seven proposals, the Board advanced six to the ballot, excluding the "Future Citizen Charter Review Committee Authority" proposal. Five of the six proposed amendments were approved by voters; the "Petition Thresholds" amendment was not adopted.

2018 Citizen Charter Review Committee:

The 2018 Committee advanced two amendments to the Board:

1. Adoption of a Code of Ethics by Ordinance
2. Employment of the County Attorney

Of the two proposals, the Board advanced the “Adoption of a Code of Ethics by Ordinance” amendment to the ballot which was approved by voters. The “Employment of the County Attorney” was not advanced by the Board as a proposed Charter Amendment but instead was effectuated through the adoption of a County Ordinance.

County Administrator Long concluded that these prior reviews demonstrate the evolution of the County Charter and the community’s ability to make meaningful, measured changes through the structured review process.

Charter Authority, Limitations, and Board Direction:

County Administrator Long concluded his overview by summarizing what county charters may and may not do, as well as outlining the specific direction provided by the Board of County Commissioners for this Citizen Charter Review Committee cycle.

Board Direction to the 2025/2026 Citizen Charter Review Committee:

County Administrator Long reminded the Committee that the Board of County Commissioners had not imposed any limits on the group’s scope of review, granting broad latitude to examine all aspects of the charter. He stated that the Board identified one specific issue for the committee’s objective consideration:

- Whether to recommend an amendment providing that county ordinances prevail in cases of conflict with municipal ordinances, except where restricted by state law.

This topic will appear as a formally agendaed discussion item later in the review process, with full staff analysis and legal guidance.

Overview of Florida's Open Government Laws - Chasity O'Steen, County Attorney

County Attorney Chasity O'Steen briefed the Committee on Florida’s Open Government Laws, including the Sunshine Law, Public Records, and Code of Ethics and its application to members of the Citizen Charter Review Committee, as summarized below. County Attorney O'Steen also provided guidance related to public statements made by CCRC members.

- Sunshine Law: Requires that all public meetings be noticed, are open and accessible to the public and minutes are kept. A meeting is defined as two or more members of the same decision making body talking about substantive matters that may come before the Committee.

- Public Records Law: All written communication made or received related to the official business of the CCRC are considered public record and should be retained appropriately.
- Florida Code of Ethics: Protects against any conflict of interest and establishes standards for the conduct in situations where conflicts may exist which applies to CCRC members as Board Appointed Committee Members.

Committee Bylaws & Committee Schedule - Nicki Hatch

Mrs. Nicki Hatch provided an overview of the Citizen Charter Review Committee Bylaws as adopted by the Board of County Commissioners to guide the Committee's deliberations and ensure orderly and transparent proceedings. The overview summarized various sections of the Bylaws including quorum and voting requirements, public comment protocols, and the election and role of the Chair and Vice Chair:

Election of Officers:

Mrs. Hatch stated that one of the first actions of the Committee would be the election of officers.

Election of Chair Motion:

Darryl Jones nominated Mary Ann Lindley to serve as Chair, noting her prior service on the Leon County Board of County Commissioners. The nomination was seconded by Sean Pittman.

There being no other nominations, the vote was called. The motion carried unanimously, and Mary Ann Lindley was elected Chair of the Leon County Citizen Charter Review Committee.

The motion passed 19 - 0.

Chair Lindley expressed appreciation to the members for their confidence and stated she looked forward to working collaboratively with the Committee.

Election of Vice Chair Motion:

Linda Bond Edwards nominated Chauncy Haynes to serve as Vice Chair. The nomination was seconded by Jarrett Terry.

There being no other nominations, the vote was called. The motion carried unanimously, and Chauncy Haynes was elected Vice Chair of the Leon County Citizen Charter Review Committee.

The motion passed 19 – 0.

Process and Schedule Overview: Presenter - Ken Morris, Assistant County Administrator

Mr. Ken Morris provided an overview of the Committee's process and timeline, including the three-phase structure for the Committee's deliberations to ensure a methodical and transparent process.

Meeting Structure and Workflow:

1. Issue/Discussion Meetings (Step 1) – Members can request any idea for a proposed charter amendment to be placed on the agenda for formal consideration by the Committee. If approved by a simple majority vote of the Committee, staff will prepare an analysis of the proposal to be placed on the Committee's agenda for consideration.
2. Decision Meetings (Step 2) – If approved by a simple majority vote of the Committee, the Committee can request staff to prepare proposed charter amendment language for Committee consideration.
3. Public Hearings (Step 3) – If approved by a simple majority vote of the Committee, the Committee can advance proposed charter amendment language to Public Hearing for Committee consideration. Upon conclusion of the public hearings, the Committee can, upon approval by a simple majority vote, recommend the proposed charter amendment language to the Board of County Commissioners.

Mr. Morris reported that the Committee is scheduled to complete its work by February 19, with an interim report to be presented to the Board of County Commissioners in March. If the Committee advances proposed charter amendments, public hearings will be scheduled in June and July 2026.

Public Comment:

Chair Lindley opened the floor for public comment.

Staff noted that no speaker cards had been submitted prior to the meeting. Chair Lindley invited any members of the public present to speak; no speakers came forward.

Next Meeting and Adjournment:

The next Citizen Charter Review Committee meeting will be held on Thursday, November 6. Members were encouraged to contact staff with any questions prior to the next meeting.

Chair Lindley called for adjournment of the CCRC Meeting. It was moved by Ryan Ray, seconded by Sean Pittman, to adjourn at 1:27 p.m.

The motion passed 19 – 0.

ATTEST:

Mary Ann Lindley, Chair
Leon County Citizen Charter Review Committee

Beryl Wood, Clerk to the Board for
Gwen Marshall Knight, Clerk of Court

APPROVAL OF COMMITTEE BYLAWS

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

In order to govern its function and operation in a manner consistent with the Home Rule Charter of Leon County, Florida, approved by the electorate of Leon County on the 5th day of November 2002 and subsequently amended on the 2nd day of November 2010 and on the 6th day of November 2018, the Leon County Citizens Charter Review Committee (hereinafter “Committee”) hereby adopts the following Bylaws.

It shall be the duty of the Committee to carry out the following charge: To review the Home Rule Charter of Leon County, Florida and propose any amendments or revisions for consideration by the Board of County Commissioners (BCC) which may be advisable for placement on the general election ballot.

ARTICLE I.

APPLICABLE FLORIDA LAWS AND BCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida’s Public Records Law, Chapter 119, Florida Statutes (F.S.), and Leon County BCC Policy 96-4, “Public Records, Electronic Communications, and Records Retention”, as may be amended from time to time, and each member of the Committee shall be provided a copy of BCC Policy 96-4.

Section 1.2 Government In the Sunshine Law: Each member of the Committee shall comply with applicable provisions of the Florida Government in the Sunshine Law, Chapter 286, F.S., as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the County’s Code of Ethics as set forth under Chapter 2, Article XII, of Leon County Code of Laws and the following state laws with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, F.S., “Voting Conflicts”, as may be amended from time to time, and shall be provided a copy of Section 112.3143, F.S.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, F.S., as may be amended from time to time, and shall be provided a copy of Section 112.313, F.S.

ARTICLE II.

OFFICERS AND DUTIES

Section 2.1 The Committee shall appoint a Chairperson and Vice-Chairperson by a simple majority vote at its first meeting.

Section 2.2 The Chairperson and Vice-Chairperson shall serve until the dissolution of the Committee and assume the following powers and duties:

Clause 2.2.1 The Chairperson shall preside at all regular and special meetings of the Committee.

Clause 2.2.2 The Chairperson shall represent the Committee at all functions and activities (but without authority to state any position of the Committee not previously approved).

Clause 2.2.3 The Chairperson shall call special meetings when necessary;

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

Clause 2.2.4 The Chairperson shall set meeting agendas in coordination with County staff.

Section 2.3 In the event of the Chairperson's absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.4 In the event that either the Chairperson or the Vice-Chairperson is unable to complete their term or fulfill their duties, a replacement from among its members should be appointed with a simple majority vote of the Committee as soon as reasonably possible.

ARTICLE III.

TERM OF MEMBERS

Section 3.1 Each member shall serve on the Committee beginning on October 23, 2025 through February 19, 2026 for all regular and special meetings or upon completion of business. In addition, as necessary, the Committee may be required to hold three public hearings on proposed Charter amendments between June and July of 2026.

ARTICLE IV.

ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 4.1 **Attendance at Meetings:** Regular attendance and attention to the business of the Committee is expected. All Committee members are required to attend meetings in person.

Section 4.2 **Vacancies:** The seat of any member who fails to attend three consecutive regular meetings, without previous notification, shall be presumed vacant. A seat deemed vacant may be filled by the appointing County Commissioner no later than the BCC's December 9, 2025 meeting. Following the BCC's December 9, 2025 meeting, recognizing that the Committee will be nearing completion of its regular meeting schedule, any vacant seat shall remain unfilled through the remainder of the Committee's business.

ARTICLE V.

MEETINGS

Section 5.1 **Regular Meetings:** The Committee shall hold biweekly meetings on Thursdays. Such regular meetings shall be held at **the Leon County Library** or at an alternative location, approved by the County Administrator, as necessary. The regular meeting schedule will be posted to the County's webpage in advance of the Committee's first meeting. The duration of meetings shall not exceed **two** hours unless extended by a simple majority vote of the Committee. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 5.2 **Special Meetings:** The Chairperson, or a simple majority vote of the Committee, may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meetings may be convened only after notification is given to each member of the Committee and after public notice is given, no later than three days before the special meeting is scheduled to begin.

Section 5.3 **Public Comment (In-Person):** The Committee will consider public comment on all substantive agenda items. Under the agenda item of "Public Comment", interested citizens shall be afforded an opportunity to provide in-person comments on matters before the Committee. The remarks of any citizen should be germane to the agenda or matters to come before the Committee. Each agenda shall include a point during the meeting at which "Public Comment" may be made. Each citizen addressing the

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

Committee is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers. Citizens are asked to limit their comments to three minutes in the interest of fairness to all citizens desiring to be heard; although, this requirement may be waived at the discretion of the Chairperson for good cause.

Clause 5.3.1 Written Public Comment: Citizens wishing to provide written public comment on matters before the Committee shall be afforded the opportunity to submit their comments at CCRC@LeonCountyFL.gov. To ensure adequate time for distribution and Committee review, written comments are required to be submitted at least 24 hours prior to the scheduled meeting time. Comments submitted after the deadline will be added to the official minutes of the meeting, but the County cannot guarantee that the Committee will have adequate time to review those comments prior to the meeting.

Section 5.4 Meeting Agendas: County staff shall assist the Chairperson of the Committee in developing an agenda for each meeting of the Committee. The agenda for regular meetings of the Committee shall be generally as follows, subject to amendment or revision by the Committee Chairperson or a majority of the members present:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Reports of Chairperson (if any)
- V. Presentations by Invited Guests
- VI. Remarks of Interested Citizens
- VII. Unfinished Business
- VIII. New Business
- IX. Adjournment with Day Fixed for Next Meeting

Section 5.5 Official Acts and Quorum: Any and all official acts by the Committee shall require a majority vote of the members present and voting, except as otherwise set forth in these Bylaws; however, the Committee shall take no such action unless a quorum is present at the meeting. In order to constitute a quorum, there must be a majority of the Committee's current membership present at the meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

No member of the Committee shall have the power to vote by proxy. Only those members physically present shall be entitled to vote. Telephonic participation is not permitted.

Section 5.6 Meeting Minutes: Minutes shall be taken by the Clerk to the BCC at all regular and special meetings of the Committee. Minutes of Committee proceedings shall be filed with the County in accordance with BCC Policy No. 03-15, "Board-Appointed Citizen Committees."

Section 5.7 Procedure: *Roberts' Rules of Order Revised* shall govern the procedure of all meetings. No action taken by the Committee shall be deemed void or invalid because of a failure to adhere to *Robert's Rules of Order Revised*.

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

ARTICLE VI. DELIBERATIONS

Section 6.1 The Committee shall conduct meetings in three phases: (1) Issues Agendas, (2) Decision Agendas, and (3) Public Hearings and Transmittal (as necessary).

Clause 6.1.1 Issues Agendas: In the first phase of meetings, the Committee shall identify policy issues for discussion and potential recommendations to the BCC for placement on the general election ballot. By simple majority vote, the Committee shall approve policy issues to be considered and schedule Issues Agenda meetings at which the approved issues shall be discussed. Once the preliminary policy issues have been approved for discussion during Issue Agenda meetings, additional policy issues may be added and scheduled upon the request of 2/3 of Committee membership present.

Any issue may be stricken from further consideration at Issues Agenda meetings by a majority of those members present.

Clause 6.1.2 Decision Agendas: By a simple majority vote, the Committee shall approve those issues to be discussed during the second phase of meetings and schedule Decision Agenda meetings at which sample text of proposed amendments shall be considered. After a proposed amendment has been discussed, the Committee may, by a simple majority vote of those members present, direct County staff to prepare proposed amendments for review at public hearings and inclusion in the BCC status report to be presented in March 2026.

Clause 6.1.3 Public Hearings and Transmittal: In accordance with the County Charter and Section 125.63, F.S., the Committee must hold at least three public hearings, at intervals not less than 10, nor more than 20, days apart. After all hearings, the Committee shall amend (if necessary) and approve the proposed Charter amendments, ballot titles, and summaries for recommendation to the BCC with the concurrence of a simple majority vote of present Committee membership. These public hearings, if necessary, would be held in June and July 2026.

The Committee shall direct the Chairperson to transmit the proposed amendments, ballot titles, and summaries to the BCC by Wednesday, August 5, 2026.

ARTICLE VII. POLICY ON PUBLICITY

Section 7.1 Public statements by the Committee shall be coordinated through the Chairperson and County staff. Members of the Committee may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, members of the Committee shall on every occasion make an affirmative statement that their views are not represented as the views of the Committee as a whole. The Chairperson of the Committee shall be responsible for announcing the adopted positions of the Committee.

BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

ARTICLE VIII.

AMENDMENTS TO BYLAWS

Section 8.1 **Amendments:** These rules and policies shall be presented by staff and adopted as the Bylaws of the Committee at its first meeting. The Bylaws may be amended by an affirmative vote of 2/3 of the entire Committee's membership. The Amended Bylaws shall become effective upon the approval of the County Attorney as to the legality of the form and content of such amendment.

Approved As To Legality of Form and Content:

County Administrator's Office

County Attorney's Office

BY: _____

BY: _____

Vincent S. Long
County Administrator

Chasity H. O'Steen
County Attorney

**RECEIPT & FILE OF WRITTEN PUBLIC
COMMENTS**

*(To be electronically distributed Wednesday before
meeting)*

LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE

NOTES FOR AGENDA ITEM A

Citizen Charter Review Committee

Agenda Item A

November 6, 2025

To: 2025-2026 Leon County Citizen Charter Review Committee

From: Vincent S. Long, County Administrator
Chasity H. O'Steen, County Attorney

Title: Leon County Ordinances in Relation to Municipal Ordinances

Review and Approval:	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
Department / Division Review:	Ken Morris, Assistant County Administrator
Lead Staff / Project Team:	Nicki Hatch, Assistant to the County Administrator for Legislative and Strategic Initiatives Cameron Williams, Management Analyst

Summary:

As directed by the Board of County Commissioners, this item provides the Leon County Citizens Charter Review Committee (Committee) with information and analysis for consideration in evaluating whether a charter amendment should be placed on the ballot providing for County ordinances to supersede municipal ordinances in the event of a conflict.

Staff Recommendation:

Option #5: Committee direction.

Report and Discussion

Background:

At its September 23, 2025 meeting, the Board of County Commissioners voted to advance the following charter amendment issue to the 2025-2026 Leon County Citizen Charter Review Committee for review and consideration:

- Should County ordinances supersede municipal ordinances in the event of a conflict?

The Leon County Charter requires a Citizen Charter Review Committee to be appointed by the Board every eight years to review the County's Home Rule Charter (Charter) and propose any amendments or revisions for placement on the general election ballot. As part of this process, the Board may limit or provide direction to the Committee to address specific issues it deems appropriate. For the current charter review process, the Board chose not to limit the Committee's purview. However, after consideration and deliberation of numerous policy issues, the Board selected one issue for the Committee to consider for advancement as a proposed charter amendment.

This item provides information and analysis for consideration in evaluating whether a charter amendment should be placed on the ballot providing County ordinances to supersede municipal ordinances in the event of a conflict.

Analysis:

As a charter county, Leon County's authority is derived from Article VIII, Section 1(g) of the Florida Constitution (Constitution) titled "CHARTER GOVERNMENT.":

"Counties operating under county charters shall have all powers of local self-government not inconsistent with general or special law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. **The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.**"

In accordance with the Constitution, Section 1.6 of the Charter, "Relation to Municipal Ordinances", provides that municipal ordinances shall prevail over County ordinances in the event of any conflict within the boundaries of the municipality, except as otherwise provided by law or the Charter. Furthermore, to the extent that a county and municipal ordinance cover the same subject without conflict, then both ordinances shall be effective and supplemental to the other. This provision from the original County Charter remained unchanged until 2010.

During the 2009-2010 Citizen Charter Review process, the Committee advanced a charter amendment to establish countywide minimum environmental regulations which was approved by voters during the 2010 General Election. This was an important issue for the community at that time to address rapid development and apply one set of consistent rules for environmental protection, especially for projects that crossed political jurisdiction boundaries or sought to annex into the City of Tallahassee (City) for the purpose of avoiding more stringent environmental

regulations. Accordingly, Section 1.6.(2) of the Charter provides for the establishment of minimum environmental standards by County ordinances to be effective within unincorporated and incorporated areas of the County. While this provision effectively supersedes municipal ordinances that do meet the minimum environmental standards established by County ordinance, Section 1.6.(2) of the Charter allows municipalities to establish more stringent environmental protections within the incorporated area of the County.

While the County has broad powers under Article VIII, Section 1(g) of the Constitution, Section 2(b) of Article VIII of the Constitution also provides broad authority to municipalities, as follows:

“Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.”

Municipal authority as set forth under the Constitution, however, is not applicable to any subject expressly preempted to state or county government by the Constitution or by general law. Similarly, municipal authority is limited when a subject or specific policy area is preempted by a county charter. Notwithstanding these limitations, municipalities would advocate the importance of their Home Rule authority and preservation of local self-governance to address specific local issues, needs, and preferences.

Preemption of Regulatory Authority vs Transfer of Power

Article VIII, Section 1(g) of the Constitution provides charter counties with regulatory authority to determine which ordinance should prevail when county or municipal ordinances regulate the same subject, as set forth under the Charter. However, it is important to note this preemption does not include the ability to transfer municipal services to the county because such a “Transfer of powers” is separately governed by the process provided for in Article VIII, Section 4 of the Constitution. For example, a county charter amendment can regulate environmental standards within municipalities but cannot reassign or transfer a municipal department, personnel, or assets to the county government.

Article VIII, Section 4 of the Constitution provides a generalized structure under which powers or functions may be transferred between local governments, including counties and municipalities. Specifically, any function or power of a municipality to be transferred to a county (or vice versa) must first be authorized by law or by resolutions adopted by the affected governing bodies, followed by approval from the electors of both affected governments through a dual referendum. A “dual referendum” requires the residents of the city and the unincorporated area to separately approve the referendum.

Comparative Review of Charter Counties

As noted previously, Article VIII, Section 1(g) of the Constitution requires county charters to specify whether county or municipal ordinances prevail in the event of a conflict. Attachment #1 provides a comparison of Florida’s 20 charter counties relating to conflicts with municipal ordinances. It is important to note when comparing charter governments that two Florida counties

are very unique. Duval County is a consolidated government and does not reference county or municipal ordinance conflicts in its charter. Miami-Dade County's charter predates the 1968 Florida Constitution which provides the foundation for charter county government in Florida for the remaining 66 counties. Miami-Dade County's charter establishes a two-tier hierarchy and a "central metropolitan government" whereby county ordinances prevail on matters of countywide concern in the event of a conflict with any of the 34 incorporated municipalities.

The following is a summary of the remaining 18 Florida charter counties:

- Eleven (11) county charters provide for county ordinances to prevail in specific circumstances.
- Seven (7) charter counties provide for municipal ordinances to prevail without exception.
- None provide for county ordinances to prevail without exception.

Among the 18 comparable charter counties in Florida, Leon County is among the majority (11) which provide for county ordinances to prevail in specific circumstances or subject areas. Those 11 charter counties are: Alachua, Broward, Charlotte, Columbia, Leon, Orange, Palm Beach, Pinellas, Sarasota, Seminole, and Volusia. For Leon County, the establishment of minimum environmental standards is the only subject area whereby a county ordinance prevails over a municipal ordinance at this time. As described previously, this was an important issue in 2010 due to rapid development taking place in our community. Voter approval of this amendment to the Charter unified environmental regulations countywide based on environmental features such as water basins and drainage, chronic flooding conditions, and the topography of our community rather than political jurisdiction boundaries. It also reduced the complexity of having two different sets of environmental standards and the various interpretations of those standards. Examples from other county charters that provide for county ordinances to prevail over municipal ordinances in specific circumstances include the regulation of adult entertainment, alcohol sales, and elements of the comprehensive plan. Additional information and examples are provided in Attachment #1.

Comparatively, seven (7) charter counties provide for municipal ordinances to prevail in the event of any conflict without exception. Those seven (7) charter counties are: Brevard, Clay, Hillsborough, Lee, Osceola, Polk, and Wakulla.

As previously stated, most charter counties provide for county ordinances to prevail in specific circumstances. None provide for county ordinances to prevail without exception. All, however, have the ability to provide for either through charter amendment as approved by the local electorate. In evaluating the need for a proposed Leon County Charter amendment which provides that county ordinances prevail over all municipal ordinances in the event of conflict and to the extent permitted by law, the Committee may wish to consider the potential benefits of such a proposed amendment including:

- **Avoiding Potential Interlocal Conflicts and Disputes:** Providing for county ordinances to supersede municipal ordinances can reduce interlocal disputes and administrative duplication. For example, section 252.38, Florida Statutes, provides county governments with countywide jurisdiction in implementing emergency management plans to ensure

efficient and orderly coordination of emergency operations. While a municipality has authority to create its own supplemental emergency management plan, such plan must be consistent with, and subject to, the county plan. This is in place to ensure the provision of coordinated standards, response, and public messaging during emergencies to avoid disputes, delays, and confusion from reconciling differing standards. Accordingly, a proposed charter amendment could extend similar countywide consistency to other regulatory areas where overlapping County and City ordinances may currently create uncertainty or fragmented implementation.

- **Providing Regulatory Uniformity on Countywide Issues:** Many critical systems — transportation, stormwater, floodplain management, and other infrastructure — cross jurisdictional boundaries and may benefit from uniformity to increase safety. The dangers of inconsistency are most evident in the separate street renaming procedures recently adopted by the City because emergency responders depend on a unified countywide street naming and addressing system to locate incidents quickly.

On May 8, 2024, the City adopted an ordinance granting itself authority to rename roads within the municipal limits—excluding County-maintained and state roads. Since municipal ordinances prevail over County ordinances in the event of conflict, the County is now precluded from applying its countywide naming criteria to city-maintained streets. Since that time, the City has renamed more than half a dozen roadways with the municipal limits resulting in portions of roadways that bear different names and creating a fragmented approach that increases the potential for misrouted 9-1-1 calls, confusion, delayed response times, and fatal outcomes. Consistent naming across segments of roadways and chronological numbering of addresses are essential to ensure accurate GPS routing, timely emergency response, and the protection of life and property.

- **Providing Unified Standards Based on Geography, not Political Jurisdiction:** As described previously, during the 2010 General Election, an amendment to the Charter was approved by voters to establish countywide minimum environmental regulations. This amendment was originally considered by the 2009-2010 Citizen Charter Review Committee in response to chronic flooding issues that were exacerbated by conflicting City and County stormwater standards during a period of rapid development in our community. Specifically, as stormwater and drainage networks often cross jurisdictional boundaries, differing retention or discharge standards in one area regulated by the City can result in exacerbated flooding and downstream damage in a different area regulated by the County. In other words, countywide standards were needed to address the upstream conditions and downstream impacts of stormwater in a consistent manner to reduce flooding impacts and to protect the quality of all surface water bodies in the community.

Acknowledging that environmental resources and conditions do not recognize political jurisdictional boundaries, the 2009-2010 Citizen Charter Review Committee identified the need to establish countywide environmental standards to ensure protection and regulation of natural resources that are interconnected throughout our community. As approved by voters, today we have minimum environmental regulations based on environmental features such as water basins and drainage, geography, and the topography of our community – and not political boundary.

- **Providing for More User-Friendly Government:** Residents and businesses can experience multiple and conflicting regulations among county and municipal governments which causes confusion and frustration when interacting with local governments. The County and City receive calls and emails on a daily basis from constituents unsure of which local government regulates certain matters or requesting clarification on differing standards based on jurisdiction. Social media often perpetuates the confusion on community forums where City and County residents mistakenly exchange information on local government services and regulations without regard to their separate jurisdictional standards.

Business owners and developers may be impacted by conflicting regulations such as signage requirements. Meanwhile, residents and neighborhoods may be impacted by conflicting regulations that require notification of new nearby developments. Providing for county ordinances to supersede conflicting municipal ordinances makes clear which authority has jurisdiction on important community issues and delivers one consistent set of regulations that residents and businesses can better understand regardless of which specific neighborhood or municipality within the county they are in.

- **Establishing Minimum Community Standards Countywide:** Minimum regulatory standards, such as the environmental standards established in the Charter in 2010, are intended to serve as a floor which a municipality must meet but can exceed by enacting stricter regulations. Not only do minimum standards reduce complexity, but they also ensure all residents are protected by consistent, minimum standards countywide. In addition to environmental issues, establishing countywide standards would create the opportunity to establish minimum community standards for various local matters from neighborhood protection issues such as noise control and short-term vacation rental regulations, to public safety issues like implementation of school zone cameras. Minimum standards are intended to serve as a baseline to protect the overall health and well-being of all citizens, while preserving the local autonomy of municipalities through the ability to exceed the minimum standards.

Next Steps

As directed by the Board of County Commissioners, this item provides the Committee with information and analysis for consideration in evaluating whether a charter amendment should be placed on the ballot providing County ordinances to supersede municipal ordinances in the event of a conflict. In addition to the analysis provided herein, the Committee will receive a presentation on this agenda item and staff will be available to answer questions.

Several options are provided to facilitate the Committee's consideration of this issue. A simple majority vote of the Committee is needed to take action. Should the Committee not wish to further consider or advance this issue, it may table the issue at this time (Option #1). Alternatively, the Committee may wish to seek additional information and analysis. Option #2 would facilitate such a request, as specified by the Committee, with direction for staff to bring the information back at a future meeting.

Two options are provided to advance this issue to the next phase of the charter review process should the Committee support a charter amendment for County ordinances to prevail over municipal ordinances in the event of conflict, to the extent otherwise permitted by law (Option #3), or a charter amendment for County ordinances on specific subject matter(s) to prevail over municipal ordinances (Option #4). Should the Committee provide direction to prepare a proposed charter amendment, the draft language would be brought back to the Committee at a future “decision meeting” as provided in the bylaws.

This item recommends Option #5 and seeks the Committee’s direction which may include the options presented herein or alternative direction as determined by the Committee.

Options:

1. Accept this report and table this issue.
2. Request additional information and analysis on charter government, regulatory authority, and/or the prevalence of county ordinances in the event of a conflict with municipal ordinances.
3. Direct staff to prepare a proposed charter amendment providing that all county ordinances shall prevail in the event of a conflict with municipal ordinances, to the extent otherwise permitted by law.
4. Direct staff to prepare a proposed charter amendment(s) providing that specific county ordinances or subject area(s), as identified by the Committee, shall prevail in the event of a conflict with municipal ordinances.
5. Committee direction.

Recommendation:

Option #5: Committee direction.

Attachment:

1. Charter County Comparison of Countywide Regulatory Authority

Attachment #1: Comparison of Countywide Authority Among Florida Charter Counties

County	Countywide Authority*	Relationship with Municipalities
Alachua	Yes	County ordinances prevail related to more stringent environmental standards for prohibiting or regulating air or water pollution.
Brevard	No	Municipal ordinances prevail.
Broward	Yes	County ordinances prevail related to environmental protection, land use planning, ethics regulations for officials and employees, or development of transportation improvements on County-owned or County-leased property funded with transportation surtax proceeds.
Charlotte	Yes	County ordinances prevail related to impact fees or countywide comprehensive plan elements and land development regulations.
Clay	No	Municipal ordinances prevail.
Columbia	Yes	County ordinances prevail related to minimum countywide standards regulating adult entertainment, environmental protection, outdoor burning, alcohol sales hours, animal control, weapons, or road service levels.
Duval	Yes	N/A - Consolidated Government.
Hillsborough	No	Municipal ordinances prevail.
Lee	No	Municipal ordinances prevail.
Leon	Yes	County ordinances prevail related to minimum countywide environmental regulations.
Miami-Dade	Yes	N/A – Two-tiered “central metropolitan government” established prior to 1968 Florida Constitution.
Orange	Yes	County ordinances prevail related to countywide minimum standards for regulation of adult-entertainment, air and water pollution, or gambling. Municipal ordinances are also preempted by rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary.
Osceola	No	Municipal ordinances prevail.
Palm Beach	Yes	County ordinances prevail related to wells and well fields, schools, county-owned beaches, district and regional parks, solid waste disposal, county law enforcement, county impact fees, countywide land use elements, service levels for collector and arterial roads not maintained by any municipality, voluntary annexation, and ethics regulations.
Pinellas	Yes	County ordinances prevail related to certain countywide services and regulatory authority such as operation and control of County solid waste disposal facilities, regional sewage treatment facilities, 911 emergency communication system, county-owned property, county roads, animal control regulations and programs, regulations and programs for protection of consumers, and fire protection for the unincorporated areas of the county, among others.
Polk	No	Municipal ordinances prevail.
Sarasota	Yes	County ordinances prevail related to comprehensive planning and future land use designations in areas outside the urban service area (excluding municipal lands that have future land use designation in a municipality’s comprehensive plan).
Seminole	Yes	County ordinances prevail related to the County’s Rural Boundary Designations.
Volusia	Yes	County ordinances prevail related to minimum countywide environmental regulations, unified beach code regulations, and countywide comprehensive planning.
Wakulla	No	Municipal ordinances prevail.

* **Countywide Authority:** Instances of application of countywide ordinances and/or when county ordinances prevail in certain matters.