

# **Citizen Charter Review Committee**

December 4, 2025

11:30 a.m. – 1:30 p.m.

Leon County Main Library

Programming Room

## **AGENDA**

1. Call to Order and Opening

Mary Ann Lindley,  
Chair

### ***Consent***

2. Approval of November 20, 2025 Meeting Minutes
3. Receipt & File of Written Public Comments

### ***Public Comment***

### ***General Business***

4. Committee Discussion on Proposed Charter Amendments
5. Agenda Item #1: Status Report on Annexation Procedures and Processes
6. Agenda Item #2: Additional Information Regarding Separate Jurisdictional Standards for Street Renaming

*The next meeting of the Citizen Charter Review Committee will take place on  
Thursday, December 18, 2025.*

**LEON COUNTY CITIZEN CHARTER REVIEW  
COMMITTEE**

**APPROVAL OF NOVEMBER 20, 2025 MEETING  
MINUTES**

**Citizen Charter Review Committee  
November 20, 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 November 20, 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, Max Herrle, Shamarial Roberson, Heidi Otway, William Smith and Jarrett Terry in attendance. 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 Clerk to the Board, Daniel J. Antonaccio.

Absent Member: Temple Robinson.

**Call to Order and Opening Mary Ann Lindley, Chair**

Chair Lindley called the meeting to order at 11:30 a.m. She reminded the Committee that the meeting would adjourn promptly at 1:30 p.m.

**Consent:**

*Joey Davis moved, seconded by Vice Chairman Chauncy Haynes, to approve the consent Agenda as presented.*

*The motion passed 19 – 0 with Committee Members Sean Pittman and Temple Robinson not present.*

*2. Approval of November 6, 2025 Meeting Minutes*

*3. Receipt & File of Written Public Comments*

**Public Comment:**

- David West appeared before the CCRC to express support for improving local government through consolidation. He suggested that a potential starting point could be merging the Leon County Sheriff's Office and the Tallahassee Police Department, noting that such consolidation could streamline operations and improve overall efficiency.

**General Business:**

**Board Issue for Committee Consideration - Ken Morris**

*Agenda Item A: Additional Analysis on Leon County Ordinances in Relation to Municipal Ordinances*

Assistant County Administrator Ken Morris introduced the item with a summary of the additional information and analysis requested by the Committee, including examples of existing or potential regulatory conflicts from differing County and City ordinances.

- *Sean Pittman arrived at this juncture of the meeting.*

Chair Lindley outlined the four options presented to the Committee.

Ryan Ray addressed the topic of consolidation, observing that there is significant disagreement among committee members on the issue. He urged the group to proceed cautiously and avoid taking actions that could further erode home rule, which he remarked has already been under threat in recent years.

Ryan Ray moved for approval of Option #1, but it died for lack of second.

County Attorney O'Steen commented that, at their most recent meeting, the Board of County Commissioners directed county staff to prepare an analysis outlining the pros and cons of consolidation. She also noted that any consolidation effort would require action by the Florida Legislature, meaning it is not an issue this committee needs to consider for the 2026 ballot.

Slaton Murray requested clarification on the timeline for implementing an amendment.

Assistant County Administrator Ken Morris responded that the process begins with this committee reviewing the draft charter amendment, making any changes or recommendations, and then reporting it back to the Board of County Commissioners. After that, there will be public hearings in the summer prior to the final language being submitted to the Board of County Commissioners for consideration. Upon Board approval, the proposed charter amendment would be submitted to the Supervisor of Elections for placement on the ballot.

Anita Favors inquired about addressing issues without using a charter amendment.

County Attorney O'Steen responded that both the City and County can address issues without a charter amendment if they so choose.

Sean Pittman mentioned the issue of annexation, and whether the county should have some say in how that works.

County Attorney O'Steen stated that annexation is heavily dictated by state law, but there are some areas of flexibility.

*Sean Pittman moved, seconded by Howard Kessler, to request additional information regarding annexation, including any applicable state preemption, and to examine the statutory processes related to annexation and the flexibility the County has in addressing annexation.*

The motion carried 20 – 0 with Committee Member Temple Robinson not present.

Max Herrle moved, seconded by Joey Davis, to accept the report and have information brought back on solutions outside of the Charter to address the street renaming/addressing issue.

Bruce Strouble, Jr. offered a friendly amendment to invite the City for insight.

Anita Favors questioned how amendments will be presented on the ballot.

County Administrator Long responded that any proposed amendments, as approved by the Board of County Commissioners, will appear individually on the ballot.

*Max Herrle moved, seconded by Joey Davis, for Option #4: Committee Direction to accept the report and have staff bring back information to resolve street renaming/addressing outside of the Charter with a friendly amendment, as introduced by Bruce Strouble, Jr., to invite City to provide insight.*

The motion carried 20 – 0 with Committee Member Temple Robinson not present.

Max Herrle introduced the concept of consolidated law enforcement in the County.

*Max Herrle moved, seconded by Slaton Murray, to have the Leon County Sheriff's Office (LCSO) present information about the potential consolidation of LCSO and the Tallahassee Police Department.*

*The motion failed 14 – 6 with Joey Davis, Liz Ellis, Max Herrle, Bruce Strouble Jr., Barry Wilcox, and Vice Chairman Chauncy Haynes in favor of the motion. Committee Member Temple Robinson was not present.*

#### Committee Discussion on Proposed Charter Amendments

Nicki Hatch provided a brief outline of the two-step process for Committee's proposal and consideration of charter amendment proposals. First, members will have the opportunity to propose a broad concept to be added to the list of proposals on screen. Once all proposals are listed, the proposing member will have the opportunity to briefly explain their proposal and answer any questions. Following discussion, the Committee will take a vote on whether to have staff bring back additional analysis on the proposed concept.

Nicki Hatch explained that the on-screen list has been prepopulated with proposals raised by members at the previous CCRC meeting (November 6<sup>th</sup>) to be introduced and considered as part of the two-step process. The pre-populated list of proposals raised during the November 6, 2025, CCRC meeting include:

1. Establishment of an Office of Inspector General, Proposed by Howard Kessler
2. Voting Threshold to Select or Terminate the County Administrator, Proposed by Max Herrle
3. County Commission Compensation, Proposed by Max Herrle
4. Funding Mechanism for Affordable Housing, Proposed by Max Herrle
5. Funding Mechanism for Fire Services, Proposed by Max Herrle
6. Leon County Bill of Rights, Proposed by Max Herrle

Chair Lindley welcomed members to offer additional charter amendment proposals to be added to the list for consideration by the Committee.

The following proposal was added to the list for CCRC consideration:

7. Prioritization of Food Security, Proposed by Bruce Strouble, Jr.

The following proposals were explained for CCRC consideration:

#### **1.) Establishment of an Office of Inspector General**

Howard Kessler explained that his proposed charter amendment would create an independent Office of Inspector General to strengthen oversight, avoid conflicts of interest, and align Leon County's practices with national Inspector General standards. His proposal would shift ethics and compliance functions away from the County Administrator, provide separate legal counsel, require a supermajority for removal of the Inspector General, and extend oversight authority to Blueprint-related entities.

Ryan Ray inquired about how the proposed Office of Inspector General would interact with the City's existing oversight structures.

William Smith inquired about the current set up.

County Attorney O'Steen explained the County Attorney's role in enforcing the Code of Ethics, noting that general enforcement is carried out through the Human Resources Director in coordination with the County Attorney's Office.

*Darryl Jones moved, seconded by Sean Pittman, for an agenda item to bring back an analysis for establishing an Office of Inspector General.*

*The motion carried 20 – 0 with Committee Member Temple Robinson not present.*

## **2.) Voting Threshold to Select or Terminate the County Administrator**

Max Herrle explained that his proposal would revise the Charter's current two-step process for selecting or removing the County Administrator by lowering the vote threshold from a majority-plus-one Commissioners to a simple majority. He noted that the proposal would retain the requirement of a second vote at a subsequent meeting, and that his intent was to align the process more closely with practices used in other charter counties.

Darryl Jones discussed how school boards across the state function and how having a higher threshold makes the process less arbitrary.

Vice Chairman Haynes requested historical context on the matter and commented that if such requirements were revised for the County Administrator, it should likewise apply to the County Attorney.

*Vice Chairman Haynes moved, seconded by Joey Davis, to extend the meeting to 2:00 p.m.*

*The motion failed 18 – 2 with Vice Chairman Haynes and Joey Davis in favor of the motion. Committee Member Temple Robinson was not present.*

County Attorney O'Steen clarified that the voting threshold to select or terminate the County Attorney is not in the Charter, but in County Ordinance.

*Max Herrle moved, seconded by Joey Davis, for an agenda item to brought back on a charter amendment lowering the threshold to select or terminate the County Administrator.*

*The motion failed 17-3 with Joey Davis, Max Herrle, and Jarrett Terry in favor of the motion. Committee Member Temple Robinson was not present.*

## **Adjournment:**

Chair Lindley adjourned the meeting at 1:32 p.m.

ATTEST:

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Mary Ann Lindley, Chair  
Leon County Citizen Charter Review Committee

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

**LEON COUNTY CITIZEN CHARTER REVIEW  
COMMITTEE**

**RECEIPT AND FILE OF WRITTEN PUBLIC  
COMMENTS**

*(To be electronically distributed Wednesday before the meeting)*

# **LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE**

## **NOTES FOR AGENDA ITEM #1**



# Citizen Charter Review Committee

## Agenda Item #1

December 4, 2025

**To:** 2025-2026 Leon County Citizen Charter Review Committee

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

**Title:** Status Report on Annexation Procedures and Processes

<b>Review and Approval:</b>	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
<b>Department / Division Review:</b>	Ken Morris, Assistant County Administrator
<b>Lead Staff / Project Team:</b>	Chasity H. O'Steen, County Attorney

### Summary:

This item provides the Citizen Charter Review Committee with information and analysis on annexation processes and procedures, as requested by the Committee at the November 20, 2025, meeting.

### Staff Recommendation:

Option #1: Accept status report and take no further action.

## **Report and Discussion**

### **Background:**

As requested by the Citizen Charter Review Committee (Committee) at the November 20, 2025, meeting, this item provides information on annexation processes and procedures.

Annexation of unincorporated land within the County into the boundaries of the City of Tallahassee (City) is governed by Chapter 171, Florida Statutes (F.S.). In addition to statutory provisions, local annexations by the City are also governed by the City and County Interlocal Agreement Annexation Procedures (Interlocal Agreement), as required by the City-County Comprehensive Plan.

Statutorily, areas must meet certain standards and requirements to be eligible for annexation. If an area is deemed eligible for annexation into a municipality, Chapter 171, F.S., authorizes a municipality to annex unincorporated land by voluntary annexation or involuntary annexation.

Policy 2.1.4 of the Intergovernmental Coordination Element of the City-County Comprehensive Plan (Policy) reaffirms that annexation by the City must comply with the requirements of Chapter 171, F.S., and the Interlocal Agreement. The Policy further requires that the Interlocal Agreement include:

- Annexation review policies and procedures that allow the County not less than twenty (20) days prior to the first reading of the ordinance considering such annexation(s) to review the proposed annexation(s);
- Dispute resolution procedures should the County object to any proposed annexation;
- The requirement for a City Annexation Plan prior to the passage of any ordinance for annexation which shall include, at a minimum, a specific description of the proposed areas to be annexed, an assurance of land use compatibility, the schedule for the delivery of City provided urban services to the area proposed for annexation, how the level of service standards will be met, the facilities to be provided and the responsible entity for said facilities, and, in the event of a voluntary annexation, the amount of any agreed upon water and/or sewer rebate that would be due to the petitioner (Note, this requirement has been modified by the feasibility study now required pursuant to section 171.042, F.S.).

More information about the different processes and procedures governing these different types of annexation is provided in the Analysis section.

### **Analysis:**

Any property to be annexed into a municipality must be:

- Contiguous to the municipal limits,
- Reasonably compact, and
- Cannot create enclaves.

Florida Statutes provides processes and procedures for a municipality to voluntarily and involuntarily annex property into the municipal limits. In Leon County and the City, voluntary annexation generally occurs and is associated with new development and requires the approval of both Commissions. Involuntary annexation of property in our community is uncommon and, generally, requires a referendum of affected property owners. The following sections describe the types of annexations along with the requirements and respective procedures to effectuate an annexation.

### Voluntary Annexations

Pursuant to section 171.044, F.S., the owner(s) of real property in an unincorporated area which is contiguous to a municipality and reasonably compact may petition the municipality to be annexed into the municipality. Such petition must be accompanied by the signatures of all owners of property in the area proposed to be annexed and need only meet the criteria of contiguousness and compactness, and cannot result in the creation of enclaves.

In applying these standards, certain terms are statutorily defined. The term “contiguous” generally means that “a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of a municipality.” Section 171.031(3), F.S. A property is considered “reasonably compact” if the property is concentrated in a single area and precludes any action which would create enclaves, pockets, or finger area in serpentine patterns.

As defined under section 171.031(5), F.S., “enclave” means: 1) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality, or 2) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Locally, once a petition is received by the City, the Interlocal Agreement sets forth the process by which the City and County coordinate annexation approvals (Attachment #1). Per the Interlocal Agreement, notice is provided to the County for official review and comment by the County Commission at least twenty (20) days before the first reading of the annexation ordinance by the City Commission. If the County does not object to the annexation, the City may adopt the ordinance at its next public hearing. If the County does object to the annexation, the annexation is delayed so that the parties can engage in dispute resolution as provided by the Interlocal Agreement.

In the last five years, 15 voluntary annexation requests were submitted and approved by both the County and City Commissions without objection. This process is far simpler than most involuntary annexations since no referendum is required, one hundred (100) percent of the underlying property owners have consented to annexation into the City limits, and the character of the land does not need to meet the “urban purpose” criteria required of involuntary annexations (as discussed below).

Notably, section 171.044(4), F.S., expressly provides that the method of voluntary annexation in that statute is supplemental to any other procedure provided by general or special law, except that the section does not apply to municipalities in counties with charters which provide an exclusive method of municipal annexation.

### Involuntary Annexations

#### *Characteristics of Area Proposed for Involuntary Annexation*

In addition to the requirement that the area to be annexed is contiguous and compact, part or all of the area to be annexed must comply with additional statutory requirements when a municipality initiates the annexation of property as set forth under section 171.043, F.S.

Part or all of the area to be annexed must be developed for urban purposes. The term “urban purposes” means that the land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels retained in their natural state or kept free of development as dedicated greenbelt areas. Section 171.031(13), F.S.

A property is developed for urban purposes if it:

- Has a total resident population equal to a least two (2) persons for each acre of land included within its boundaries;
- Has a total resident population equal to at least one (1) person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least sixty (60) percent of the total number of lots and tracts are one (1) acre or less in size; or
- Is so developed that at least sixty (60) percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least sixty (60) percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five (5) acres or less in size.

In addition to the area developed for urban purposes, a municipality may include in the area to be annexed property that is not being developed for urban purposes if such area either:

- Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
- Is adjacent, on at least sixty (60) percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined above.

#### *General Involuntary Annexation Procedures*

In 2023, section 171.042, F.S., was amended to require a municipality seeking to expand its boundaries to conduct a feasibility study setting forth the plans to provide urban services to any area to be annexed before commencing the statutorily prescribed annexation procedures in section

171.0413, F.S., which are summarized below. The analysis for such study must be “conducted by qualified staff or consultants of the economic, market, technical, financial, and management feasibility of the property annexation.” Section 171.031(6), F.S. As used in this statute, “urban services” are defined as “any services offered by a municipality, either directly or by contract, to any of its present residents.”

Certain documentation and information must also be included in the feasibility study, including maps showing certain boundaries, information about existing and proposed utility infrastructure, and the general land use pattern in the area to be annexed. The study must also include statements certifying that the area to be annexed meets the criteria in section 171.043, F.S. (outlined below), and setting forth the municipality’s plans for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

The municipality must file a copy of the feasibility study with the board of county commissioners of the county in which the municipality is located not fewer than fifteen (15) days before commencing the annexation procedures under section 171.0413, F.S. Failure to timely meet this statutory deadline may be the basis for a cause of action to invalidate the annexation.

Additionally, not less than ten (10) days prior to the date set for the first public hearing required to adopt an annexation ordinance pursuant to section 171.0413(1), F.S., the municipality must mail a written notice to each person who resides or owns property within the area proposed to be annexed, with a description of the annexation proposal, the time and place for each public hearing to be held regarding the annexation, and the place or places within the municipality where the proposed ordinance may be inspected by the public. The clerk of the governing body must also maintain a copy of the notice for public inspection during regular business hours.

Any parcel of land owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, must be annexed in its entirety, though the property owner can waive this requirement. Section 171.0413(3), F.S. Additionally, if more than seventy (70) percent of the acres of land in an area proposed to be annexed is owned by individuals, corporations, or legal entities that are not registered electors of such area, the area cannot be annexed unless the owners of more than fifty (50) percent of the acres of land in such area consent to such annexation, and the consent must be obtained by the parties proposing the annexation before the referendum to be held as referenced below.

If the area to be annexed meets the characteristics criteria set forth above, a municipality may adopt an annexation ordinance for one reasonably compact area proposed to be annexed after holding at least two (2) advertised public hearings; however, the ordinance does not become effective until the ordinance is submitted to a vote of the registered electors of the area proposed to be annexed. Section 171.0413(1), F.S. The municipality may also choose to submit the annexation ordinance to a separate vote of the registered electors of the annexing municipality. The municipality must comply with statutory notice requirements and information to be provided at polling places.

If approved by a majority vote of the electors to be annexed (and also a majority vote of the electors within the municipal limits if the municipality submits the annexation ordinance for a separate vote), the ordinance becomes effective ten (10) days after the referendum or as otherwise provided

in the ordinance, but not more than one (1) year following the date of the referendum. If the annexation ordinance fails to receive a majority vote, the ordinance does not become effective, and the area cannot be proposed for annexation for a period of two (2) years from the date of the referendum.

In instances where the area to be annexed does not have any registered electors on the date the ordinance is fully adopted, no vote of electors of the area to be annexed is required, but the owners of more than fifty (50) percent of the parcels of land in the area proposed to be annexed must consent to the annexation prior to the final adoption of the ordinance.

For involuntary annexation of unincorporated land in Leon County, the Interlocal Agreement requires the same notice and opportunity to review and comment by the County Commission prior to adoption of the annexation ordinance as for voluntary annexations (Attachment #1).

#### *Involuntary Annexation of Enclaves*

In order to eliminate enclaves of unincorporated areas surrounded by a single municipality, section 171.046, F.S., allows for the annexation of enclaves without a referendum by interlocal agreement between the municipality and county. Enclaves eligible for involuntary annexation under this process must:

- Meet the statutory definition of “enclave” as defined in section 171.031(5), F.S.,
- Consist of 110 acres or less,
- Be surrounded by a single municipality, and
- Be improved or developed.

The statute also allows a municipality to annex a developed or improved enclave of 110 acres or less upon a referendum by at least sixty (60) percent of the registered voters who reside in the enclave if the enclave has fewer than twenty-five (25) registered voters.

#### Previous County Commission Consideration of Annexation Procedures and Processes

At the July 8, 2025, meeting, the County Commission requested that staff provide legal analysis on issues to determine whether to advance the issues for consideration to the Committee. Specifically, the County Commission asked for a legal analysis regarding the establishment of an exclusive method of municipal annexation in the County Charter whereby the County can propose the annexation of unincorporated property into the City. The Board also asked for legal analysis regarding whether the County Charter can incorporate all unincorporated property inside Capital Circle to be within the City limits.

As presented at the September 15, 2025, meeting (Attachment #2), the requested analysis detailed the uniform process for involuntary annexation provided under Florida Statutes which preempts counties from establishing an exclusive method for involuntary annexations by charter.

The analysis also detailed the current procedures for voluntary annexation in Leon County set forth under the County and City Interlocal Agreement, as required by the City-County Comprehensive

Plan and as authorized by Florida Statutes. Notably, the Interlocal Agreement has an indefinite term and may only be terminated by “mutual consent of both parties.” Therefore, any charter amendment seeking to create an exclusive method for voluntary annexations would still be subject to the terms of the Interlocal Agreement. Following its review of these issues, the Board opted not to advance either of the annexation issues to the Committee for consideration.

**Options:**

1. Accept status report and take no further action.
2. Committee direction.

**Recommendation:**

Option #1: Accept status report and take no further action.

**Attachments:**

1. Interlocal Agreement Between the City of Tallahassee and Leon County for Annexation Procedures
2. Leon County Board of County Commissioners September 15, 2026, Meeting Agenda Item #26

## **INTERLOCAL AGREEMENT BETWEEN THE CITY OF TALLAHASSEE AND LEON COUNTY FOR ANNEXATION PROCEDURES**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into on this 25th day of July, 2016, by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida ("County") and the CITY OF TALLAHASSEE, a Florida municipal corporation ("City").

### **RECITALS**

WHEREAS, On May 18, 2016, and on May 24, 2016, the City of Tallahassee City Commission and the Leon County Board of County Commissioners respectively approved an amendment to Policy 2.1.4 of the Intergovernmental Coordination Element of the Tallahassee-Leon County Comprehensive Plan governing annexation of properties into the City of Tallahassee;

WHEREAS, Policy 2.1.4 provides that the County and the City shall set out procedures for annexation by an interlocal agreement; and

WHEREAS, the County and the City desire to enter into an agreement to set out such procedures for annexation.

NOW THEREFORE, in consideration of the mutual promises and covenants, herein contained and set forth, and obligations herein contained, and subject to the terms and conditions herein stated, the City and County hereby agree as follows:

1. City Annexation Plan. Prior to the passage of any ordinance for annexation, the City shall prepare and have available for public inspection a plan for annexation ("City Annexation Plan") setting forth the schedule for the delivery of City-provided urban services to the property subject to annexation and which shall include:
  - a. A specific description of the proposed areas to be annexed, including the annexation of right-of-ways, if any;
  - b. An assurance of land use compatibility;
  - c. The facilities to be provided and the provider for such facilities;
  - d. How level of service standards will be met;
  - e. For voluntary annexation, the amount of any agreed upon water and/or sewer rebate that will be due to the petitioner.
2. Voluntary Annexation. When the City receives a petition for voluntary annexation, it will provide notice of the petition, together with the parcel number(s) and ownership information available from the Leon County Property Appraiser, to the relevant City departments for official review and comment, and to the County Administrator. The City Annexation Plan



together with the petition for each annexation shall be provided by the City to the County Administrator, the County's Director of Development Support and Environmental Management and the County Attorney, and shall be provided at least twenty (20) calendar days before the first reading of the ordinance considering such annexation, where such period shall also be at least five (5) calendar days before the next regularly scheduled Board of County Commissioners ("Board") meeting. The Board shall have the opportunity to review, comment, and suggest changes regarding the proposed annexation at a Board meeting prior to the adoption of the annexation ordinance(s) by the City Commission, and any Board comments will be provided to the City Manager at least five (5) calendar days prior to the public hearing on the annexation ordinance(s).

3. County objections to proposed annexation. In the event that the County objects to the annexation, the City Manager and County Administrator, or their designees, shall meet and confer and fully discuss the areas of concern expressed by the County. The City shall delay the annexation process for a period not to exceed thirty (30) days for the purpose of holding the joint meeting. Should the joint meeting resolve the dispute, such resolution shall be reduced to writing and presented to the City Manager and County Administrator for appropriate action consistent therewith. In the event the County continues to object to the proposed annexation following the joint meeting, the City and County shall submit the dispute to mediation. The expense of a mutually acceptable mediator shall be divided equally between the City and County. The City shall delay the annexation process for a period not to exceed sixty (60) days for the purpose of conducting the mediation proceedings. The City Manager and the County Administrator shall represent the parties at the mediation. Should the mediation resolve the dispute, such resolution shall be reduced to writing and presented to the City Commission and County Commission for appropriate action consistent therewith. In the event the County continues to object to the proposed annexation, then either party may pursue whatever remedies may be available at law, in equity, or otherwise.
4. Dispute Resolution. Any dispute arising under this Agreement, which is not the subject of the procedures set out in section 3, shall be subject to the procedures set out in this section. The provisions of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as alternative dispute resolution processes are set forth in section 3 and section 4.
  - a. The aggrieved party shall give written notice to the other party in writing, setting forth the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."
  - b. Should the parties be unable to reconcile any dispute, the City Manager and County Administrator, or their designees, shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss

- and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the parties, they shall report their decision, in writing, to the City Commission and Board of County Commissioners. If the City Manager and County Administrator, or their designees, are unable to reconcile the dispute, they shall report their impasse to the City Commission and Board of County Commissioners.
- c. If a dispute is not resolved by the foregoing step, within forty-five (45) days after delivery of the Dispute Notice, unless such time is extended by mutual agreement of the parties, then either party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other party. The Mayor shall represent the City and the Chair shall represent the County. The mediator shall be certified in accordance Rule 10.100(d), Florida Rules for Mediators, and shall be selected by the parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in the subject of the dispute. If agreement on a mediator cannot be reached in that ten (10) day period, then either party can request that a mediator be selected by the American Arbitration Association, and such selection shall be binding on the parties. The costs of the mediator shall be borne equally by the parties.
  - d. If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the parties, then, upon the agreement of both parties, such dispute may be referred to binding arbitration; otherwise, each party may pursue whatever remedies may be available at law, in equity, or otherwise. If the dispute is so referred, such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).
    - i. Such arbitration shall be initiated by delivery, from one party (the "Petitioner") to the other (the "Respondent"), of a written Arbitration Notice therefore containing a statement of the nature of the dispute involved. The Respondent, within ten (10) days following its receipt of such Arbitration Notice, shall deliver an answering statement to the Petitioner. After the delivery of such statements, either party may make new or different claims by providing the other with written notice thereof specifying the nature of such claims involved.
    - ii. Within ten (10) days following the delivery of such Arbitration Notice, each party shall select an arbitrator and shall deliver written notice of that selection to the other. If either party fails to select an arbitrator within such time, the other party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select a third arbitrator.

- iii. The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the third arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48 of the Commercial Arbitration Rules of the American Arbitration Association.
5. Termination. This Agreement shall remain in effect unless terminated by mutual consent of the parties.
6. General provisions.
- a. Governing law and venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any action to enforce any of the provisions of this Agreement shall be maintained in Tallahassee, Leon County, Florida. The parties waive the right to trial by jury in any litigation arising from, concerning or relating to this Agreement.
  - b. Waiver. Failure to insist upon strict compliance with any term, covenant or condition of this Agreement shall not be deemed a waiver of it. No waiver or relinquishment of a right or power under this Agreement shall be deemed a waiver of that right or power at any other time.
  - c. Modification. This Agreement shall not be modified, except in writing duly executed by the parties hereto.
  - d. Entire agreement. This Agreement constitutes the entire agreement between the parties with respect to the matters contained herein, and all prior agreements or arrangements between them with respect to such matter are superseded by this Agreement.
  - e. Ambiguity. This Agreement has been negotiated by the parties with the advice of counsel and, in the event of an ambiguity herein, such ambiguity shall not be construed against any party as the author hereof.
  - f. Costs and Attorney's Fees. In the event of litigation between the parties to construe the terms of this Agreement or otherwise arising out of this Agreement, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable costs and attorney's fees incurred in maintaining or defending the subject litigation. The term litigation shall include appellate proceedings.
  - g. Severability. It is intended that each section of this Agreement shall be viewed as separate and divisible, and in the event that any section shall be held to be invalid, the remaining sections and parts shall continue to be in full force and effect.
7. Effective date. This Agreement shall be effective on the date of the last approval hereof.

IN WITNESS WHEREOF, the parties cause this Interlocal Agreement to be executed by their duly authorized representatives this 25th day of July, 2016.

**CITY OF TALLAHASSEE**

**LEON COUNTY, FLORIDA**

By: Andrew D. Gillum  
Andrew Gillum, Mayor

By: Bill Proctor  
Bill Proctor, Chairman  
Board of County Commissioners

ATTEST:  
James O. Cooke, IV  
City Treasurer-Clerk

ATTEST:  
Bob Inzer  
Clerk & Comptroller  
Leon County, Florida



By: James O. Cooke, IV

By: John Stott, Deputy Clerk

Approved as to form:  
City Attorney's Office

Approved as to form:  
County Attorney's Office

By: Lewis E. Shelley  
Lewis E. Shelley, Esq.  
City Attorney

By: Herbert W.A. Thiele  
Herbert W.A. Thiele, Esq.  
County Attorney

# Leon County Board of County Commissioners

## Agenda Item #26

September 15, 2025

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator

**Title:** Appointments to the Leon County Citizen Charter Review Committee, Preliminary Committee Bylaws, and Analysis on Potential Charter Amendment Topics

<b>Review and Approval:</b>	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
<b>Department / Division Review:</b>	Ken Morris, Assistant County Administrator
<b>Lead Staff / Project Team:</b>	Nicki Hatch, Assistant to the County Administrator for Legislative and Strategic Initiatives Chandika Basdeo, Special Projects Coordinator

### **Statement of Issue:**

This item seeks Board appointments to the Leon County Citizen Charter Review Committee (CCRC) and consideration of preliminary CCRC Bylaws. In addition, as requested at the July 8, 2025 meeting, this item provides legal analysis on issues proposed by the Board to determine whether to advance for consideration by the CCRC.

The CCRC will convene on October 23, 2025, to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2026 general election ballot. The CCRC is scheduled to meet biweekly on Thursdays in the Leon County Library until February 19, 2026 (120 days).

### **Fiscal Impact:**

This item has a fiscal impact. Increasing the CCRC to 21 members requires the relocation of CCRC meetings from the Commission Chambers to the Leon County Library and requires an estimated \$90,000 in associated costs to facilitate and broadcast meetings. Funding is available in the FY 2026 Tentative Budget to support the additional resource needs for the CCRC.

### **Staff Recommendation:**

- Option #1: Appoint three members by each Commissioner to the Leon County Citizen Charter Review Committee (CCRC).
- Option #2: Approve the preliminary CCRC Bylaws to be presented to the CCRC for adoption at its first meeting on October 23, 2025 (Attachment #1).
- Option #3: Provide direction to staff on potential charter amendment issues to be advanced to the CCRC for further consideration.

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## Report and Discussion

### **Background:**

At its July 8, 2025 meeting, the Board received an overview of the proposed charter review process and provided options and recommendations regarding the establishment of a CCRC. At that time, the Board directed staff to prepare an agenda item for the Board's appointment of a 21-member Citizen Charter Review Committee (three appointments per Commissioner), seven more members than the initial recommendation, and consideration of preliminary CCRC Bylaws (Attachment #1). The CCRC will convene on October 23, 2025, to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2026 general election ballot. The CCRC is scheduled to meet biweekly on Thursdays in the Leon County Library until February 19, 2026 (120 days).

In addition, the Board requested legal analysis on the following seven issues to determine whether to advance these issues for consideration by the CCRC:

1. Creation of a Citizen Utility Review Board.
2. Establishment of an exclusive method of municipal annexation in the County Charter whereby the County can propose the annexation of unincorporated property into the City of Tallahassee (City).
3. Annexation of all unincorporated property inside Capital Circle into the City.
4. Provide that County ordinances supersede City ordinances.
5. Empower citizens in the unincorporated area of the County who pay for City utilities and fire services to be able to vote in City elections.
6. Creation of a Utility Authority in which the County has seats on the Authority since citizens in the unincorporated area cannot vote in City elections and pay a 50% utility service surcharge.
7. Clean up outdated references to statutes related to the establishment of a county charter.

The CCRC is essential to the following FY 2022 – FY 2026 Strategic Initiative:

- *Establish a Citizen Charter Review Committee to review the County's Home Rule Charter and propose any amendments or revisions ahead of the 2026 General Election. (2025-101)*

This particular Strategic Initiative aligns with the Board's Governance Strategic Priority:

- *(G1) Sustain a culture of transparency, accessibility, accountability, civility, and the highest standards of public service.*

This item requests the Board's appointments to the Leon County CCRC and presents draft committee bylaws for consideration. This item also seeks Board direction on the issues proposed by the Board for consideration by the CCRC.

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### **Analysis:**

#### *Committee Appointments*

**Purpose:** The Leon County Charter requires that a Citizen Charter Review Committee be appointed by the Board every eight years, at least 12 months before the general election, to review the County's Home Rule Charter and propose any amendments or revisions for placement on the general election ballot.

**Composition:** As directed by the Board at the July 8, 2025 meeting, the CCRC will consist of 21 appointees, with three appointments per Commissioner. Each Commissioner has the opportunity to appoint three people to the CCRC.

#### *Preliminary Committee Bylaws*

As part of the establishment of the Leon County Citizen Charter Review Committee, preliminary bylaws are proposed for the Board's considerations to guide and support the efforts of the CCRC. Upon Board approval, the preliminary bylaws will be presented to the CCRC for consideration at its first meeting. At that time, the CCRC Bylaws may be amended by 2/3 vote of the Committee's membership.

As reflected in Attachment #1, the preliminary CCRC Bylaws set forth the duties, terms, and meeting structure of the CCRC, as outlined below:

- Applicable Florida Laws and Board Policies
- Officers and Duties
- Term of Members
- Attendance and Replacement of Members
- Meetings
- Deliberations
- Policy on Publicity
- Amendments to Bylaws

The CCRC is subject to the State's Sunshine Laws and Section 286.011, Florida Statutes. The CCRC meetings will be noticed and open to the public, and all CCRC records, including the approved Bylaws, will be made available on the County website. All CCRC meetings will also be broadcast on the County's Comcast Channel 16 and the County website.

#### *Issues Requested by the Board for Potential Consideration by the CCRC*

At its July 8, 2025 meeting, the Board requested legal analysis on the following seven issues for additional consideration to advance to the CCRC and amend the Leon County Charter.

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1. Creation of a Citizen Utility Review Board.
2. Establishment of an exclusive method of municipal annexation in the County Charter whereby the County can propose the annexation of unincorporated property into the City of Tallahassee (City).
3. Annexation of all unincorporated property inside Capital Circle into the City.
4. Provide that County ordinances supersede City ordinances.
5. Empower citizens in the unincorporated area of the County who pay for City utilities and fire services to be able to vote in City elections.
6. Creation of a Utility Authority in which the County has seats on the Authority since citizens in the unincorporated area cannot vote in City elections and pay a 50% utility service surcharge.
7. Clean up outdated references to statutes related to the establishment of a county charter.

The following provides an analysis for each requested issue, along with information regarding the County's authority, and limits on such authority, for the Board to determine whether to advance these issues for consideration by the CCRC. The Board also has the discretion to independently place charter amendments on the ballot by supermajority vote.

#### Leon County, Florida – Authority and Limits on Such Authority:

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

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.

This grant of authority is broad, but there are certain limitations. Fundamentally, the County must comply with all constitutional and statutory constraints. The County cannot adopt an ordinance or otherwise act in conflict with federal or state law. The federal government and state legislature have also preempted certain matters, whether expressly or impliedly, and the County cannot adopt ordinances to regulate those areas.

Sec. 1.1 of the Charter, itself, recognizes the limits of the County's authority: "The County shall have all powers of self-government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter. The County shall have all county and municipal powers of self-government granted now or in the future by the Constitution and laws of the State of Florida."



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1. **Creation of a Citizen Utility Review Board:** The Board has asked whether the CCRC may consider the amendment of the Charter to create a Citizen Utility Review Board. In summary, the ability to create a Citizen Utility Review Board is limited by broad municipal authority and existing statutes that govern the authority to construct and operate water, wastewater, electric, and other utilities.

The County has the authority to create a Utility Review Board by charter, but such authority would not have the ability to regulate the City's utility or provide services within the City boundaries unless the City agreed. The County cannot by charter create a Utility Review Board that controls or otherwise regulates the City's utilities. The County also lacks the authority to compel or otherwise force the City to join a Utility Review Board and cede control or authority to such authority.

The City has its own broad grant of constitutional authority. Article VIII, Section 2(b) of the Constitution, titled "POWERS", grants to municipalities the governmental, corporate, and proprietary powers necessary to enable them to conduct municipal government, perform municipal functions, and render municipal services. Under this provision, municipalities may exercise any power for municipal powers except as otherwise provided by law. Citing Article VIII, Section 2(b) of the Constitution, Section 166.021, Florida Statutes (F.S.), acknowledges a municipality's broad authority while also identifying certain limitations, including any subject expressly preempted to state or county government by the Constitution or by general law, and any subject preempted to a county pursuant to a county charter adopted under the Constitution.

Chapter 180, F.S., authorizes municipalities to construct and operate water, sewer, and other utility systems, both within and outside their boundaries. Section 180.13, F.S., specifically and expressly authorizes the city council or other governing body of a municipality to create a separate board or designate certain city officers to supervise and control the operations of its utilities and make all necessary rules or regulations governing the use, control, and operation of such utilities, subject to the approval of the city council. This statute also authorizes the city council to establish rates or charges for the use of the utility by those who receive utility service.

A municipal electric utility, such as the utility operated by the City, and a rural electric cooperative, such as Talquin Electric Cooperative, Inc., operate under Chapter 366, F.S., which grants these entities the authority to control and operate those utilities and to establish just and equitable rates, establish service policies, approve budgets and capital improvements, and other matters. Such utilities are typically governed by the city commission or a utility board established by the city or electric cooperative. Under this statutory scheme, the Florida Public Service Commission exercises limited jurisdiction over such entities related to the resolution of territorial disputes and coordination of grid reliability and interconnection issues.

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Based upon the City's broad constitutional and legislative authority to own and operate utilities as referenced above, the Board may create by charter revision a Citizen Utility Review Board but it will have no oversight or control over City utilities because of the existing statutory framework for the ownership, administration, and regulation of utilities pursuant to Chapters 180 and 366, F.S. Under the current statutory scheme, the Board would be prohibited from adopting a charter amendment in conflict with, or that is preempted by, the provisions in Chapters 180 and 366, F.S. The Charter amendment would not force the City to participate in the Citizen Utility Review Board or otherwise acknowledge any of its findings or otherwise take any action.

2. **Establish an exclusive method of municipal annexation in the Charter whereby the County can propose the annexation of unincorporated property into the City:** The Board has also asked whether the County can establish an exclusive method of municipal annexation into the Charter whereby the County can propose the annexation of unincorporated property into the City. In short, the County may establish an exclusive method for voluntary annexations to be placed in the Charter, but the County cannot provide an exclusive method for involuntary annexations in the Charter. There is no such statutory authority for counties to provide for an involuntary method of annexation by charter. In fact, any proposed annexations of property without owner consent must follow the uniform statutory method for involuntary annexations. Leon County is preempted from establishing an exclusive method for involuntary annexations by charter. However, as authorized by Florida Statutes and required by the Leon County/City of Tallahassee Comprehensive Plan, the County and City have an interlocal agreement providing the procedures for voluntary annexation in Leon County.

**Municipal Boundaries and Annexations, Generally:** Municipalities are established by special acts of the Florida Legislature. Additionally, the Legislature can amend the boundaries of municipalities by special act.<sup>1</sup> The expansion of municipal boundaries, known as annexation, is governed by Article VIII, Section 2 of the Constitution, and the legislative delegation of authority as provided in the Municipal Annexation or Contraction Act, Sections 171.011-.094, F.S. (Act).

Article VIII, Section 2 of the Constitution provides:

(c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities and exercise of extra-territorial power by municipalities shall be provided by general or special law.

The Act was enacted in 1974 with the purpose of establishing procedures for adjusting municipal boundaries to (1) ensure sound urban development and accommodation to growth, (2) provide uniform legislative statewide standards to annexation, (3) ensure the efficient provision of urban services to areas that become urban in character, and (4) ensure that areas are not annexed unless municipal services can be provided to those areas.

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<sup>1</sup> See North Ridge General Hospital, Inc. v. City of Oakland Park, 374 So. 2d 461 (Fla. 1979).

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The Act requires that areas to be annexed meet certain characteristics to be eligible for annexation. If an area is deemed eligible for annexation into a municipality, the Act creates a uniform method of annexation by:

- voluntary annexation where land is annexed upon request of 100% of the underlying property owners, or
- involuntary annexation where a portion of land is proposed for annexation without consent of the underlying property owners; with the exception of certain enclaves as defined by statute, this process requires a referendum of the voters within the area to be annexed.

Section 171.044(4), F.S., provides that the uniform method for voluntary annexation procedures does not apply “to a municipality in counties with charters which provide for an exclusive method of municipal annexation.” Florida courts have clarified that this provision authorizes counties to devise their own methods of voluntary municipal annexation, so long as the annexation considered is indeed a voluntary annexation, the exclusive method is made a part of the county’s charter and approved by the voters, and the exclusive method is contained in the charter itself and does not direct the county to create such procedure via separate ordinance.

Other jurisdictions have successfully proposed exclusive methods for voluntary annexation in their charters. For example, Orange County amended its charter in 2024 establishing a rural area and boundary which requires a supermajority vote of its board to approve voluntary annexations or increases to the allowable density or intensity within the rural areas. The charter amendment was intended to control municipal expansion into its rural areas by requiring a higher voting threshold for approval by the Orange County Commission.

By contrast, Section 171.0413, F.S., dictates the process for involuntary annexations and states:

(4) Except as otherwise provided in this law, the annexation procedure as set forth in this section shall constitute a uniform method for adoption of an ordinance of annexation by the governing body of any municipality in this state, and all existing provisions of special laws which establish municipal annexation procedures are repealed hereby; except that any provision or provisions of special law or laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

Local annexations by the City are also governed by the City and County Interlocal Agreement Annexation Procedures (Interlocal Agreement), as required by the City-County Comprehensive Plan. This Interlocal Agreement with the City for annexation procedures has an indefinite term and may only be terminated by “mutual consent of both parties.” Therefore, any charter amendment seeking to create an exclusive method for voluntary annexations would still be subject to the terms of the Interlocal Agreement.

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In summary, unlike the statutory method for charter counties to provide for a uniform method for voluntary annexations, there is no such statutory authority for counties to provide for an involuntary method of annexation by charter. The County is preempted from establishing an exclusive method for involuntary annexations by charter.

3. **Annexation of all unincorporated properties inside Capital Circle into the City:** The Board inquired whether the CCRC can consider a charter provision that incorporates all unincorporated property inside Capital Circle to be within the City limits. As explained below, the County is preempted from adjusting municipal boundaries by charter amendment. As mentioned previously, in addition to state law, local annexations by the City are also governed by the Interlocal Agreement.

Article VIII, Section 2 of the Constitution provides:

(c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities and exercise of extra-territorial power by municipalities shall be provided by general or special law.

The Act was enacted in 1974 with the purpose of establishing procedures for adjusting municipal boundaries to (1) ensure sound urban development and accommodation to growth, (2) provide uniform legislative statewide standards to annexation, (3) ensure the efficient provision of urban services to areas that become urban in character, and (4) ensure that areas are not annexed unless municipal services can be provided to those areas.

The Act requires that areas to be annexed meet certain characteristics to be eligible for annexation. If an area is deemed eligible for annexation into a municipality, the Act creates a uniform method of annexation by:

- voluntary annexation where land is annexed upon request of 100% of the underlying property owners, or
- involuntary annexation where a portion of land is proposed for annexation without consent of the underlying property owners; with the exception of certain enclaves as defined by statute, this process requires a referendum of the voters within the area to be annexed.

As discussed previously, municipal boundaries are created and expanded by special act of the Legislature, except as authorized by general or special law. As an alternative to a special act, the Florida Legislature has provided limited authorizations for annexation by municipalities by adopting the Act. Except as authorized by the Act, a county or municipality is preempted from amending the municipal boundaries or creating additional methods for annexation of unincorporated areas into the City limits.<sup>2</sup> Florida provides the uniform process for involuntary annexation, and there is otherwise no statutory authority for a county to adjust municipal boundaries by operation of a charter amendment; therefore, the County is preempted from doing so.

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<sup>2</sup> SCA Services of Florida, Inc. v. City of Tallahassee, 418 So. 2d 1148, 1150 (Fla. 1st DCA, 1982).

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4. **Provide that County ordinances supersede City ordinances:** The Board asked whether the Charter may be amended to provide for County ordinances to supersede City ordinances. In short, yes unless there is a state law that provides for a municipal ordinance to prevail in the event of conflict with a county ordinance.

As referenced previously, Article III, Section 1(g) of the Constitution provides that counties operating under charters shall have all powers of self-government not inconsistent with general law or with special law approved by the voter of the electors. This constitutional provision also requires that the charter provide for whether county or municipal ordinances prevail when such ordinances conflict. The Leon County Charter currently provides that City ordinances prevail in the event of any conflict, except regarding minimum environmental standards. Specifically, Sec. 1-6(1) of the Charter, titled “Relation to municipal ordinances.”, currently provides that:

municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

However, Sec. 1.6(2) of the Charter, titled “Minimum Environmental Regulations”, prohibits the City from establishing environmental standards, procedures, requirements, and regulations in the City that do not meet or exceed the environmental standards, procedures, requirements, and regulations established by the County.

Among the 20 charter counties in Florida, Leon County is among the ten charter counties which provide for City ordinances to prevail except in certain matters. For Leon County, the current exception is minimum environmental standards. Other county charters include exceptions for the regulation of adult entertainment, the hours of sale for alcohol purchases, and elements of the comprehensive plan. Nine charter counties provide that City ordinances shall prevail in the event of any conflict without exception. Duval County, as a consolidated government, does not reference county and municipal ordinance conflicts.

Based upon the foregoing authority, the Charter may be amended to provide that County ordinances prevail when there is a conflict with City ordinances, except when a state law provides that a municipal ordinance prevails in the event of a conflict with a county ordinance. In other words, the Board may pursue a charter amendment for all County ordinances to supersede City ordinances when there is a conflict or a charter amendment narrowly tailored to supersede City ordinances on specific issues similar to the existing minimum environmental standards Code provision.

5. **Empower citizens in the unincorporated area of the County who pay for City utilities and fire services to be able to vote in City elections:** The Board has asked whether the Charter may be amended to empower citizens in the unincorporated area of the County who pay for City utilities and fire services to be able to vote in City elections. In short, no because Florida law provides when and where people may vote, and any Charter provision would be preempted.

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Article VI, Section 6 of the Florida Constitution, titled “Municipal and district elections.”, requires that registration and elections in municipalities shall be provided by law. Florida has a robust Election Code, Chapters 97 – 106 of the Florida Statutes, titled “The Florida Election Code” (Code), and all matters set forth in the Code are preempted to the state, except as otherwise specifically authorized by state or federal law. Further, section 97.0115 is clear that “[t]he conduct of municipal elections is governed by section 100.3605, Florida Statutes.”

Section 100.3605(1), F.S., titled “Conduct of municipal elections”, provides that the Code shall govern the conduct of a municipality’s election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election code that expressly applies to municipalities.

Provisions of Chapter 101, F.S., also address who may vote in municipal elections. Express language in section 101.002(3), F.S., provides that “[a]ny person who is a duly registered elector pursuant to this code and who resides within the boundaries of a municipality is qualified to participate in all municipal elections, the provisions of special acts or local charters notwithstanding.” In essence, the language is clear that a person must reside within the City to vote in City elections, even if the Charter says otherwise. Finally, pursuant to section 101.045(1), a person may only vote in an election precinct or district where the person has his or her legal residence and in which the person is registered.

Additionally, even if the above-referenced statutory provisions did not preclude citizens in the unincorporated area who pay for City utilities and fire services from being able to vote in City elections, there are other requirements that must be met, including citizenship, residency, age, and registration. People who have been convicted of certain felony convictions are ineligible to vote unless their voting rights have been restored, and people who have been adjudicated mentally incapacitated with respect to voting are ineligible unless the right to vote has been restored.

With regard to fire services, it is also worth noting that the City provides services to citizens in the unincorporated area by interlocal agreement with the County. That agreement governs the terms and conditions of service, just like the other interlocal agreements the County has entered into with other government entities for services. In addition, in a separate agenda item on the Board’s September 15th meeting agenda is a proposed Ordinance that would eliminate the City’s ability to collect fire services assessments in the unincorporated area through a monthly utility bill.

Based upon the foregoing authority, the County is preempted from amending the Charter to empower citizens in the unincorporated area of the County who pay for City utilities and fire services to be able to vote in City elections.

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6. **Creation of a Utility Authority in which the County has seats on the Authority since citizens in the unincorporated area cannot vote in City elections and pay a 50% utility service surcharge:** As stated in response to Issue #1, the County has the authority to create a Utility Authority by charter, but such authority would not have the ability to regulate the City's utility or provide services within the City boundaries unless the City agreed. Much of the analysis provided in response to the first topic is applicable here.

Though the County has broad powers under Article III, Section 1(g) of the Constitution, the City has broad authority under Article VIII, Section 2(b) of the Constitution as well. Moreover, under the existing statutory framework for the ownership, administration, and regulation of utilities pursuant to Chapters 180 and 366, F.S., the Board would be prohibited from adopting a charter amendment in conflict with, or that is preempted by, those state laws. In summary, the County cannot by charter create a Utility Authority that controls or otherwise regulates the City's utilities. The County also lacks the authority to compel or otherwise force the City to join a Utility Authority and cede control or authority to such authority.

An independent special district could be created by special act of the Legislature to perform the functions of a Utility Authority. Alternatively, the City and County could mutually agree to create a Utility Authority as a separate legal entity pursuant to Section 163.01, F.S., which is sometimes referred to as the "Florida Interlocal Cooperation Act of 1969."

7. **Clean up outdated references to statutes related to the establishment of a county charter:** The Leon County Charter describes the processes to amend the Charter including the required establishment of the CCRC every eight years, that the CCRC shall be appointed by the Board at least 12 months before the general election, and that charter amendments shall be placed on the general election ballot to be approved by voters. These steps are specifically described in the Charter along with references to Florida Statutes which conflict with the County's charter review process, including the deadline for the CCRC to transmit proposed amendments to the Board, the amount of time available for the Board to deliberate and possibly modify CCRC recommendations, and whether the Board must call a special election (rather than placing the amendments on the general election ballot) for voters to consider charter amendments recommended by the CCRC. The Board may wish to have the CCRC review these conflicts and consider a charter amendment to resolve these issues.

The statutes cited in the Charter present timing conflicts because they pertain to the duties of a charter commission for the initial establishment of a county charter and require the Board to act within certain time frames, which are inconsistent with provisions in the Leon County Charter specific to the charter review process. In response to these conflicting timelines and to position the County to place amendments on the 2026 general election ballot, on July 8, 2025, the Board approved a bifurcated schedule for the charter review process whereby the CCRC will meet for 120 days and provide an update to the Board in March 2026, but the CCRC cannot formally conduct public hearings and transmit its final report to the Board until summer 2026, requiring the Board to convene in August to

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formally consider placing proposed charter amendments on the November 3, 2026, general election ballot. To prevent these timing issues during future CCRCs, the Board may wish to have the 2025-2026 CCRC consider an amendment to remove statutory references that conflict with the timeline requirements of the CCRC.

**Options:**

1. Appoint three members by each Commissioner to the Leon County Citizen Charter Review Committee (CCRC).
2. Approve the preliminary CCRC Bylaws to be presented to the CCRC for adoption at its first meeting on October 23, 2025 (Attachment #1).
3. Provide direction to staff on potential charter amendment issues to be advanced to the CCRC for further consideration.

**Recommendation:**

Options #1 and #2, and Board direction on Option #3

**Attachment:**

1. Preliminary CCRC Bylaws



# **LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE**



## **NOTES FOR AGENDA ITEM #2**

# Citizen Charter Review Committee

## Agenda Item #2

December 4, 2025

**To:** 2025 – 2026 Leon County Citizen Charter Review Committee

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

**Title:** Additional Information Regarding Separate Jurisdictional Standards for Street Renaming

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

### Summary:

As requested at its November 20, 2025 meeting, this item provides the Citizen Charter Review Committee with additional information to unify the street renaming process outside of a charter amendment.

### Staff Recommendation:

Option #1: Accept report and table this issue.

## Report and Discussion

### **Background:**

At its November 6, 2025 meeting, the Citizen Charter Review Committee (Committee) received 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 (Attachment #1). The November 6th analysis presented to the Committee detailed Leon County's authority as a charter county as derived from Article VIII, Section 1(g) of the Florida Constitution (Constitution). This section of the Constitution requires county charters to specify whether county or municipal ordinances prevail in the event of a conflict. Currently, Section 1.6 of Leon County's Charter, "Relation to Municipal Ordinances", provides that municipal ordinances prevail over county ordinances in the event of any conflict within municipal boundaries, with the exception for countywide minimum environmental regulations as set forth under Section 1.6.(2) of the Charter.

At that time, the Committee requested additional information and analysis including examples of existing or potential regulatory conflicts from differing County and City ordinances which were presented at the Committee's November 20, 2025 meeting. Among the examples provided in the November 20th analysis (Attachment #2) were the differing standards for street renaming as set forth by the County and City's respective street renaming ordinances. As previously reported to the Committee, the creation of separate jurisdictional standards for street renaming undermines the longstanding efforts to establish consistent naming across segments of roadways and chronological numbering of addresses countywide. In regard to street renaming, regulatory uniformity is critical to ensuring accurate GPS routing, timely emergency response, and the protection of life and property for citizens no matter where they reside within the County. With these considerations in mind, this issue was presented as one example of countywide regulatory uniformity that the Committee may wish to consider when determining whether county ordinances should prevail when a conflict exists.

Following discussion, the Committee requested additional information to unify the street renaming process outside of a charter amendment. As part of its request for additional information on the street renaming process, the Committee requested staff to invite a representative from the City to discuss the impacts of a charter amendment providing county ordinances to supersede municipal ordinances in the event of a conflict. Additional information on both requests is provided in the Analysis section.

### **Analysis:**

As previously reported, Leon County's authority as a charter county 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.**"

Currently, Section 1.6 of Leon County's Charter, "Relation to Municipal Ordinances", provides that municipal ordinances prevail over county ordinances in the event of any conflict within municipal boundaries, with the exception for countywide minimum environmental regulations as set forth under Section 1.6.(2) of the Charter. Accordingly, as previously reported, the County currently does not have authority to rename city-maintained streets inside the incorporated area as summarized below.

#### *Options to Address Separate Jurisdictional Standards for Street Renaming*

In 1995, the County's Uniform Street Naming and Property Numbering System Ordinance was adopted, authorizing the Board to name and rename streets within both the incorporated and unincorporated areas (with the exception of state roads). The Ordinance established uniform criteria and guidelines for street naming, street renaming, and property address assignments countywide.

Most recently, on May 8, 2024, the City adopted an ordinance providing the City Commission authority to rename roads within the municipal limits (excluding County-maintained and state roads). Since the County Charter currently provides for municipal ordinances to prevail over county ordinances in the event of a conflict, the County is now precluded from applying its countywide naming criteria to the renaming of city-maintained streets.

To date, the City has renamed nine (9) roadways which has resulted in some roadways bearing multiple names, creating a fragmented street naming approach which can impact public safety. Despite public safety concerns, the County has no authority to rename city-maintained streets inside the incorporated area – as Section 1.6 of the County's Charter provides that municipal ordinances prevail over county ordinances in the event of any conflict within municipal boundaries. **Accordingly, outside of an amendment to Section 1.6 of the County's Charter, there are no options to address the separate jurisdictional standards for street renaming within the incorporated and unincorporated areas of the County.**

#### *Invitation for City Representative at Committee Meeting*

As part of its request for additional information on the street renaming process, the Committee requested staff to invite a representative from the City to discuss the impacts of a charter amendment providing county ordinances to supersede municipal ordinances in the event of a conflict.

Subsequently, the County Administrator and City Manager discussed the Committee's request for a City representative to be available to the Committee to present additional information or answer questions on this issue. The City Manager advised that the City Commission made a policy decision to exercise its proper jurisdictional authority to rename City streets inside the incorporated area and concurred that the County no longer has the authority to rename City streets. He wished to convey the City Commission's respect for the purpose and efforts of the Committee but did not believe that City staff had anything else substantively to add for the Committee's consideration of the issue.

**Options:**

1. Accept report and table this issue.
2. Direct staff to prepare a proposed charter amendment providing for uniform countywide street naming, renaming, and property numbering standards to be established by County ordinance which shall prevail in the event of a conflict with municipal ordinances, to the extent otherwise permitted by law.
3. Committee direction.

**Recommendation:**

Option #1: Accept report and table this issue.

**Attachments:**

1. November 6, 2025 Committee Agenda Item
2. November 20, 2025 Committee Agenda Item

# 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

<b>Review and Approval:</b>	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
<b>Department / Division Review:</b>	Ken Morris, Assistant County Administrator
<b>Lead Staff / Project Team:</b>	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.

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## 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

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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



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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.

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- **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.

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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

# Citizen Charter Review Committee

## Agenda Item A

November 20, 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

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

### **Summary:**

As requested at its November 6, 2025 meeting, this item provides the Citizen Charter Review Committee with additional information and analysis on the issue of whether county ordinances should supersede municipal ordinances in the event of a conflict.

### **Staff Recommendation:**

Option #4: Committee direction.

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## **Report and Discussion**

### **Background:**

At its November 6, 2025 meeting, the Citizen Charter Review Committee (Committee) received 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 (Attachment #1). The Board of County Commissioners (Board), after consideration and deliberation of numerous policy issues, selected to advance this one issue for the Committee to consider as a proposed charter amendment.

The November 6th analysis presented to the Committee detailed Leon County's authority as a charter county as derived from Article VIII, Section 1(g) of the Florida Constitution (Constitution). This section of the Constitution requires county charters to specify whether county or municipal ordinances prevail in the event of a conflict. Currently, Section 1.6 of Leon County's Charter, "Relation to Municipal Ordinances", provides that municipal ordinances prevail over county ordinances in the event of any conflict within municipal boundaries, with the exception for countywide minimum environmental regulations as set forth under Section 1.6.(2) of the Charter.

Following discussion, the Committee requested additional information and analysis including examples of existing or potential regulatory conflicts from differing County and City ordinances. The following Analysis section provides detailed examples of current regulatory conflicts for the Committee to consider in evaluating an amendment to the County Charter for county ordinances to prevail over municipal ordinances for all matters. Alternatively, the Committee may wish to consider whether county ordinances should prevail on specific subject matter(s) in the event of conflict, or to preserve the existing charter provision which specifies that municipal ordinances prevail over county ordinances in the event of a conflict within municipal boundaries.

### **Analysis:**

At its November 6, 2025 meeting, the Committee requested examples of existing or potential regulatory conflicts from differing County and City ordinances to support its consideration of whether the County charter should provide for county ordinances to supersede municipal ordinances in the event of conflict. Currently, the County and City have overlapping authority on a broad range of local matters, from certain business and land use regulations to standards promoting public safety, which can result in numerous instances where County and City ordinances conflict or diverge based on jurisdiction.

This item provides a summary of the potential benefits of countywide regulatory authority as presented in the November 6th analysis, followed by detailed examples of current regulatory conflicts between the County and City to further support the Committee's evaluation. As discussed at the November 6th meeting, staff did not conduct an exhaustive review of every circumstance in which County and City ordinances might conflict due to the comprehensive nature of such an exercise and because there are many instances where differences exist but have not raised regulatory or administrative conflicts.

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*Summary of Comparative Review of Charter Counties:*

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. As detailed in the November 6th analysis, among the 18 comparable charter counties in Florida:

- 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.

All county charters may establish any of these approaches through a charter amendment approved by the local electorate. In evaluating whether county ordinances should prevail over all municipal ordinances in the event of conflict, the Committee was provided with potential benefits of such a proposed amendment for consideration, as summarized below:

- Avoiding Potential Interlocal Conflicts and Disputes
- Providing Regulatory Uniformity on Countywide Issues
- Providing Unified Standards Based on Geography, not Political Jurisdiction
- Providing for More User-Friendly Government
- Establishing Minimum Community Standards Countywide

The following provides a more detailed analysis of a sample of existing regulatory conflicts for the Committee's consideration.

***#1: Differing Standards for Street Renaming***

Many critical systems, such as transportation, stormwater, and floodplain management, cross jurisdictional boundaries and may benefit from uniformity to increase safety. The potential problems of such inconsistencies are most evident in the separate street renaming procedures recently adopted by the City in May 2024, as emergency responders depend on a unified countywide street naming and addressing system to locate incidents quickly. The following provides an overview of the County's regulatory structure for street naming and renaming in comparison to the recent regulations adopted by the City for street renaming within its jurisdiction, and the current implications of these conflicting standards.

In 1995, the County's Uniform Street Naming and Property Numbering System Ordinance was adopted, authorizing the Board to name and rename streets within both the incorporated and unincorporated areas (with the exception of state roads). The Ordinance established uniform criteria and guidelines for street naming, street renaming, and property address assignments countywide. The intent of these countywide standards was primarily to address public safety and emergency services-related issues that had historically resulted from the uncoordinated and non-sequenced assignment of street addresses and from duplicate or phonetically similar street names.

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As set forth under the County's Ordinance, the Joint Addressing Steering Committee (ASC) was established to promote intergovernmental coordination and review of all street names countywide. The ASC is comprised of interagency representatives, including the Consolidated Dispatch Center, the City Fire Department, County Emergency Medical Services, United States Postal Service, and the Leon County School Board, and various others, to review street naming and renaming requests for recommendation to the Board. The ASC has historically not recommended approval of street naming and renaming requests that would create a duplicate street name, could be confused with an existing street name when spoken or written, or would result in fragmented naming of roadways. In addition, the ASC is authorized to approve street renaming to eliminate duplicate or phonetically similar street names for emergency purposes if a safety issue exists. In such instances when street names must be changed, the ASC determines which street names to change by considering which change would affect the least number of people, the street with the fewest intersections, etc.

On May 8, 2024, the City adopted an ordinance providing the City Commission authority to rename roads within the municipal limits (excluding County-maintained and state roads). Since the County Charter currently provides for municipal ordinances to prevail over county ordinances in the event of a conflict, the County is now precluded from applying its countywide naming criteria to the renaming of city-maintained streets. This has resulted in the renaming of more than half a dozen roadways by the City that bear different names, creating a fragmented street naming approach which can impact public safety. Recognizing that the streets renamed by the City to date have been in recognition of individuals, it should be noted that both the County and City allow for honorary designation of roadways to memorialize an individual without changing the name of the street. Honorary designations do not require abutting property owners to change their address nor present challenges related to public safety and emergency response.

Ultimately, the creation of separate jurisdictional standards undermines the longstanding efforts of the ASC to establish consistent naming across segments of roadways and chronological numbering of addresses countywide. In regard to street renaming, regulatory uniformity is critical to ensuring accurate GPS routing, timely emergency response, and the protection of life and property for citizens no matter where they reside within the County. This issue is one example of countywide regulatory uniformity that the Committee may wish to consider when determining whether county ordinances should prevail when a conflict exists.

## ***#2: Public Notice of New Developments for Neighboring Areas***

Another example of an existing regulatory conflict are the County and City's public notice requirements for new developments. Public notice is an important part of the development review processes, ensuring that nearby residents are informed when a proposed development project may affect their neighborhood. Both local governments establish their own respective public notice requirements that vary based on development type (Type A through Type D). Public notice requirements are based upon the type and intensity of development, extent of environmental impacts, and zoning district in which the development site is located. Currently, the County and City have varying requirements for when mailed notices must be sent to notify surrounding property owners within a specified radius of a proposed development.



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For example, “Type A” reviews are generally for smaller-scale residential and non-residential developments that are consistent with all local zoning and development standards. As set forth under the County’s Land Development Code, public notice of the application review meeting for Type A developments must be mailed at least seven calendar days in advance to each affected property owner located within 600 feet of the project. Comparatively, the City’s Land Development Code does not require any direct public notice to be provided to nearby property owners for Type A development reviews. “Type B” reviews, on the other hand, are for developments that require a higher level of review due to deviations from local code standards. For Type B reviews, the City requires a notification radius of 1,000 feet, while the County’s notification radius is 800 feet.

This is an example where the Committee could consider a proposed charter amendment in which the County could develop an ordinance to establish minimum standards for public level of review for new developments that the City could exceed.

### ***#3: Restrictions on the Retail Sale of Animals***

The retail sale of animals is an example of a regulatory matter that is currently subject to differing jurisdictional standards. In January 2025, as requested by the Humane Society of the United States (HSUS), the Board adopted an ordinance to prohibit the retail sale of dogs, cats, and rabbits in unincorporated Leon County. According to HSUS, prohibiting the retail sale of animals encourages adoptions and decreases the number of animals that end up in animal shelters. While HSUS requested the same action to be taken by the City, the City does not have an ordinance prohibiting the retail sale of dogs, cats, or rabbits within its jurisdictional limits.

The City owns and operates the Animal Shelter which the County funds 45% of the operating budget and splits the cost of capital improvement projects at the facility. Over the past two years, the City’s Animal Shelter has experienced an 18% increase in the number of dogs and a 9% increase in the number of cats admitted to the shelter. The Leon County Humane Society has also experienced a 50% increase in owners seeking to surrender or rehome rabbits. A proposed charter amendment by the Committee could allow for a unified, countywide standard prohibiting the retail sale of animals and address a communitywide problem.

### ***#4: Hours of Sale for Alcohol***

During its last meeting, the Committee inquired about differences between County and City ordinances related to hours of sale for alcohol. In this case, the regulatory differences regarding alcohol sales between jurisdictions are minor. The City’s Code of Laws prohibits the sale of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. on any day within City limits. Comparatively, the County’s Code of Laws prohibits the sale of alcoholic beverages in unincorporated Leon County between the hours of 2:00 a.m. and 7:00 a.m. on any day and all day Sunday (with certain exceptions set forth under the Code) in the unincorporated area. This is an example of a situation where the ordinance differences do not create significant issues or the need for uniformity countywide and would not be sufficiently necessary to pursue a charter amendment specific to this issue alone. However, a charter amendment would result in minimum standards that the City could exceed.

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### ***Summary and Next Steps***

In summary, the Board selected to advance the one issue of whether county ordinances should supersede municipal ordinances in the event of a conflict for the Committee's consideration. Building on the analysis presented at the November 6th meeting, this item provides detailed examples of current regulatory conflicts between the County and City for the Committee's consideration. The overlapping authority of both entities on various local matters can contribute to numerous instances where County and City ordinances conflict or diverge based on jurisdiction. As previously stated, this analysis does not serve as an exhaustive review of all regulatory conflicts as there are instances where discrepancies may exist but have not raised regulatory or administrative conflicts. It is important to note that such discrepancies can change over time as County and City regulations can change – as in, current conflicts for certain matters that exist today, may not exist in the future (and vice versa).

Following its review, the Committee could consider a charter amendment for county ordinances to prevail over municipal ordinances for all matters or for specific subject matter(s) in the event of a conflict within municipal boundaries. Alternatively, the Committee may wish to preserve the existing charter provision which specifies that municipal ordinances prevail over county ordinances in the event of a conflict within municipal boundaries. These options are provided to facilitate the Committee's consideration of this issue. A simple majority vote of the Committee is needed to advance any of the proposed options.

### **Options:**

1. Accept this report and table this issue.
2. 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.
3. 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.
4. Committee direction.

### **Recommendation:**

Option #4: Committee direction

### **Attachment:**

1. November 6, 2025 Committee Agenda Item